

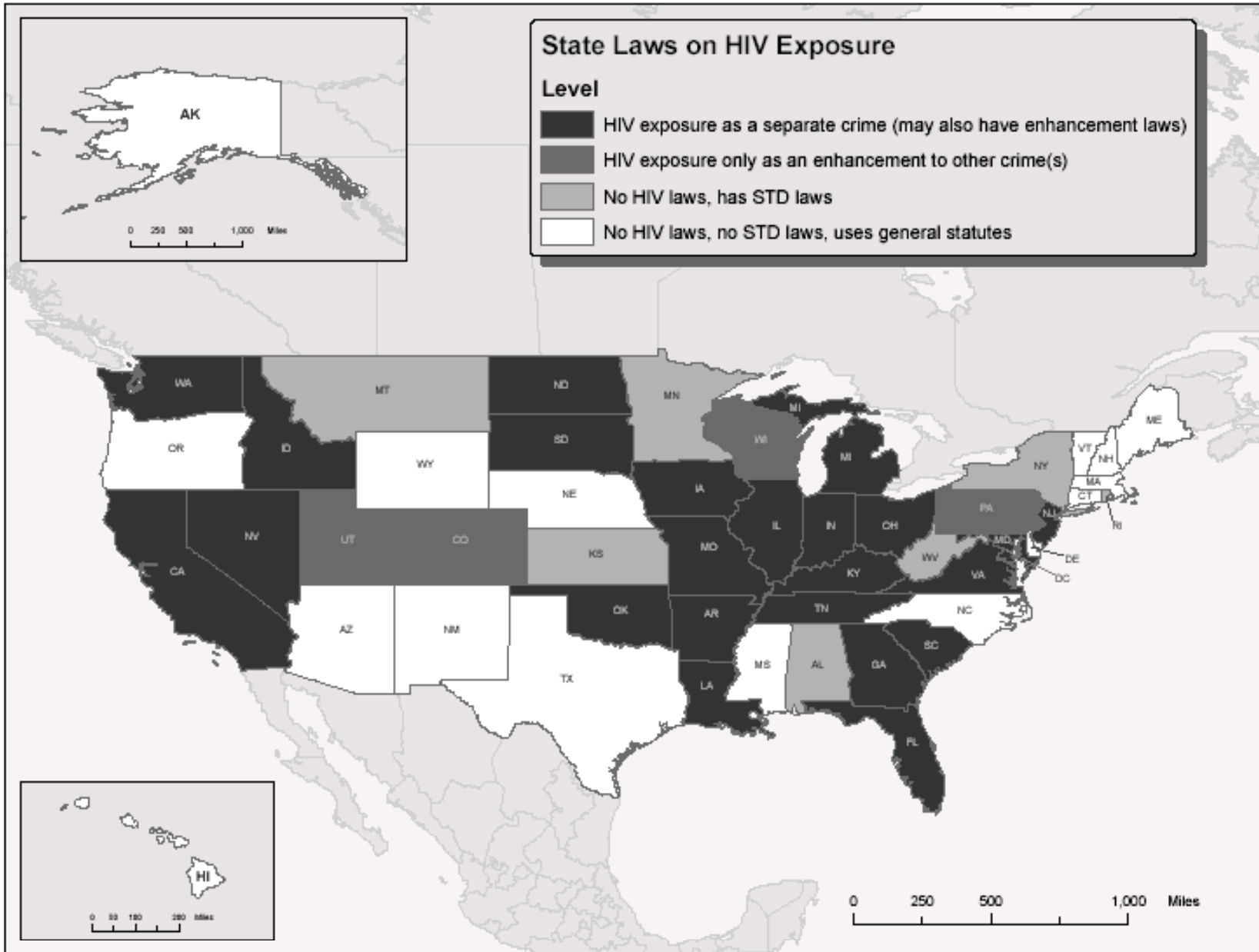
Supplemental Materials for **“Crime and Punishment: Is There a Role for Criminal Law in HIV Prevention Policy?”**

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The supplement provides summary information on the laws across the United States that have been used to address intentional HIV exposure. These are intended as visual overviews of the data presented at greater length in the paper. The information presented below was compiled in 2003, and some legislation may have changed subsequently.

The map on the next page, entitled “State Laws on HIV Exposure,” shows the range of legislative responses states have enacted to address the issue of intentional HIV exposure. Following the map are two tables providing information on those states that have laws listing knowing HIV exposure as a separate crime.



Twenty-three states have adopted HIV-specific statutes that create a separate crime of knowing HIV exposure. However, the approaches taken by these states vary substantially. Table 1 summarizes the key exposure areas for which criminal laws have been developed. Most statutes apply to exposure through sexual activity and donation of blood and other tissue, whereas less than one-half apply to needle-sharing. A few statutes do not specify the types of activities to which the statutes apply, and are categorized below as “General Exposure.”

**Table 1. HIV-Specific Separate Crime Laws, by State**

State	Sexual Contact	Needle Sharing	Blood/Tissue Donation	General Exposure
Arkansas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
California	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Florida	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Georgia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Idaho	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Indiana			<input checked="" type="checkbox"/>	
Iowa	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Kentucky			<input checked="" type="checkbox"/>	
Louisiana	<input checked="" type="checkbox"/>			
Maryland				<input checked="" type="checkbox"/>
Michigan	<input checked="" type="checkbox"/>			
Missouri	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Nevada				<input checked="" type="checkbox"/>
New Jersey	<input checked="" type="checkbox"/>			
North Dakota	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Ohio			<input checked="" type="checkbox"/>	
Oklahoma				<input checked="" type="checkbox"/>
South Carolina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
South Dakota	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Tennessee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Virginia	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Washington				<input checked="" type="checkbox"/>

The vast majority of states that have made intentional HIV exposure a separate crime have made that crime a felony; however, states have classified it differently, resulting in different ranges of penalties. While some states provide both minimum and maximum penalties, while others provide only one or the other – if any at all.

**Table 2. Penalties for Intentional HIV Exposure, by State (In Years)**

State <sup>1</sup>	Minimum Penalty	Maximum Penalty
Arkansas	6	30
California	3	8
Florida		5
Georgia		10
Idaho		15
Illinois	3	7
Indiana...		
... <i>No infection</i>		4
... <i>Infection</i>		30
Iowa		25
Kentucky	1	5
Louisiana		10
Maryland		3
Michigan		N/A <sup>2</sup>
Missouri...		
... <i>No infection</i>	5	15
... <i>Infection</i>	10	30
Nevada	2	10
New Jersey	3	5
North Dakota		20
Ohio...		
... <i>Blood donation</i>		0.5-1.5
... <i>Other exposure</i>		2-8
Oklahoma		5
South Carolina		10
South Dakota		15
Tennessee	3	15
Virginia	1	5
Washington		Life

## Notes

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<sup>1</sup> Some states specify penalties within the intentional HIV exposure statute. Other states specify the class of crime and the penalty is specified in a separate statute. *See*: Arkansas (*Ark. Code Ann. § 5-14-123 (2003)*, *Ark. Code Ann. § 5-4-401*), California (*Cal. Health and Safety Code § 120291 (2003)*), Florida (*Fla. Stat. § 775.0877 (2002)*, *Fla. Stat. § 775.082 (2001)*), Georgia (*O.C.G.A. § 16-5-60 (2002)*), Idaho (*Idaho Code § 39-608 (2002)*), Illinois (*720 ILCS 5/12-16/2 (2003)*, *730 ILCS 51-8-1 (2003)*), Indiana (*Burns Ind. Code Ann. § 35-42-1-7 (2003)*, *Burns Ind. Code Ann. § 35-50-2-4 (2003)*, *Burns Ind. Code Ann. § 35-50-2-6 (2003)*, *Burns Ind. Code Ann. § 16-41-14-17 (2003)*), Iowa (*Iowa Code § 709C.1 (2003)*, *Iowa Code § 902.9 (2003)*), Kentucky (*K.R.S. § 529.090 (2002)*, *K.R.S. [KY] § 532.060 (2002)*), Louisiana (*LA. R.S. 14:43.5 (2003)*), Maryland (*Md. HEALTH-GENERAL Code Ann. § 18-601.1 (2002)*), Missouri (*§ 191.677 R.S.Mo. (2003)*, *§ 558.011 R.S.Mo. (2003)*), Nevada (*N.R.S. 201.205 (2003)*), New Jersey (*N.J. Stat § 2C:34-5 (2002)*, *N.J. Stat. § 2C:43-6 (2002)*), North Dakota (*N.D. Cent. Code § 12.1-20-17 (2002)*, *N.D. Cent Code § 12.1-32-01 (2002)*), Ohio (*ORC Ann. 2903.11 (Anderson 2002)*, *ORC Ann. 2927.13 (Anderson 2002)*, *ORC Ann 2929.14 (Anderson 2002)*), Oklahoma (*21 Okl. St. § 1192.1 (2002)*), South Carolina, (*S.C. Code Ann. § 44-29-145 (2002)*), South Dakota (*S.D. Codified Laws § 22-18-31 (2002)*, *S.D. Codified Laws § 22-6-1 (2002)*), Tennessee (*Tenn. Code Ann. § 39-13-109 (2002)*, *Tenn. Code Ann. § 40-35-111 (2002)*), Virginia (*Va. Code Ann. § 18.2-67.4:1 (2003)*, *Va. Code Ann. § 18.2-10 (2003)*), Washington (*Rev. Code Wash. (ARCW) § 9A.36.011 (2003)*, *Rev. Code Wash (ARCW) § 9A.20.021 (2003)*).

<sup>2</sup> The sentence is determined according to complicated sentencing guidelines.