

YOU CARE ABOUT HIV CRIMINALIZATION (YOU JUST DON'T KNOW IT YET)



The criminal justice system considers HIV a deadly weapon, and in many states exposing someone to HIV is a crime, regardless of condom use, viral load, or actual risk of transmission.

For people living with HIV, a contentious relationship, a personal misunderstanding, or even a minor infraction of the law can lead to prison sentences of over thirty years, sensationalized media coverage, and registration as a sex offender.”

Know the facts.

AIDS is not over. HIV criminalization can be.

Join the movement to end HIV criminalization.

30 YEARS OF
ART, AIDS, ACTION.

**Visual
AIDS**

* Courtesy of HIV Is Not a Crime Flash Collective

** Courtesy of Sero Project

WHAT YOU NEED TO KNOW ABOUT HIV CRIMINALIZATION

- HIV-specific criminal charges have been filed in the United States more than 1,500 times since the first HIV-specific laws were introduced in 1986.
- 34 states currently have HIV-specific criminal statutes in effect.
- The majority of these laws criminalize HIV non-disclosure, placing people living with HIV at risk of prosecution and incarceration for consensual sexual activity if they do not notify their partner of their HIV status. These prosecutions disregard condom use, viral load, or the actual risk of transmission.
- Other statutes enhance sentences for crimes relating to sex work, heightening misdemeanors to felony status when the defendant is HIV positive—even in solicitation cases where there is no allegation of sexual activity.
- Many of these HIV-specific laws were passed in the early years of the epidemic and ignore current scientific knowledge about the effectiveness of condoms, antiretrovirals, and pre-exposure prophylaxis for preventing the transmission of HIV.
- 25 states criminalize one or more behaviors that pose low or negligible risk for HIV transmission, such as biting or spitting. Spit does not transmit.
- Even states without HIV-specific statutes have prosecuted people living with HIV under aggravated assault, attempted murder, and bioterrorism charges.

DISMANTLING HIV CRIMINALIZATION

The American Medical Association, American Psychological Association, the National Association of Criminal Defense Lawyers, and dozens of AIDS service organizations have released statements against HIV criminalization.

Even the federal government has come out against HIV criminalization—in 2013, the Presidential Advisory Council on HIV/AIDS recommended that HIV-specific criminal laws be modernized, and the Department of Justice released guidelines for making such reforms in 2014. Trump dismissed all members of the Advisory Council in 2017.

Ending HIV criminalization is complicated by the fact that HIV-specific laws vary state-by-state, meaning that each law must be modernized individually by activists working with local lawmakers.

While the Missouri HIV Justice Coalition has been successful in introducing two bills to modernize their state's HIV-specific laws, lawmakers in Louisiana are trying to expand the state's ability to enforce mandatory HIV testing for anyone who has allegedly exposed a law enforcement officer to bodily fluids. These are examples from two of 34 states that currently have HIV-specific criminal laws in effect.

Science is based on facts. Law is based on precedent. In many states, legal precedent is still based in the 1980s, reinforcing stigma against people living with HIV.

Where there is access to proper healthcare and information, AIDS is no longer a death sentence. But living with HIV remains incredibly challenging and could still mean a prison sentence.

Join the movement to end HIV criminalization.

Here are organizations that are actively working against HIV criminalization:

CENTER FOR HIV LAW & POLICY
www.hivlawandpolicy.org

HIV IS NOT A CRIME NATIONAL TRAINING ACADEMY
www.hivisnotacrime.com

HIV JUSTICE NETWORK
www.hivjustice.net

LAMBDA LEGAL
www.lambdalegal.org/know-your-rights/article/hiv-criminalization

POSITIVE WOMEN'S NETWORK
www.pwn-usa.org/issues/know-your-rights-guide

POZ MAGAZINE
www.poz.com/criminalization

SERO PROJECT
www.seroproject.com

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Visual AIDS is the only contemporary arts organization fully committed to HIV prevention and AIDS awareness through producing and presenting visual art projects while assisting artists living with HIV and AIDS, as well as preserving the artistic contributions of the AIDS movement. Visual AIDS was founded in 1988 to address the devastation of the ongoing AIDS crisis on the arts community while impacting change through art, creating art activism initiatives such as Day With(out) Art and the Red Ribbon. For 30 years, we have never stopped using art as a tool to educate and advocate in the fight against AIDS and for social justice.

www.visualAIDS.org
[@visual_aids](https://twitter.com/visual_aids)

You Care About HIV Criminalization, You Just Don't Know It Yet is a site-specific project by Avram Finkelstein for Visual AIDS, created for the 2018 New York City Pride March.