



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 29, 2025

RE: **SB 356 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus (Carlton R. Smith Act)**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 356 WITH AMENDMENTS**. This bill repeals provisions of law that would make it a misdemeanor to knowingly transfer or attempt to transfer HIV to another individual.

No one should be stigmatized, targeted, or potentially face misdemeanor charges for having HIV and being in situations where the virus can be transferred. Statutes like the one SB 356 seeks to repeal were born out of the peak of the HIV epidemic out of ignorance and fear of contracting it. The fact that the law is rarely used demonstrates that it is dated, unnecessary, and should be repealed.

While individuals with HIV do not deserve to be stigmatized or live in fear they can be charged with a misdemeanor for an inadvertent action, individuals who have an infectious disease and knowingly use that disease to abuse victims through the transfer of the virus or intimidate victims through the threat of transfer should face consequences for those intentional actions.

Law enforcement and correctional officers often face hostile individuals who attempt to harm officers through biting, spitting, and other means of expelling bodily fluids. There are times when people do this knowing they have a communicable disease with the intent to infect the officers. Additionally, officers come across situations in which people are sexually assaulted or raped and the person performing these wicked acts does so with the intent to pass on a disease often further traumatizing the victim by verbalizing the intent during the process. In both of these cases, victims not only have to feel the physical and mental pains of the assault but also have to wait with bated breath to see if the perpetrator was successful in their attempt to harm them with a virus. Those perpetrators should face criminal charges for their targeted and deliberate actions.

SB 356 should be amended to specify criminal charges for those who intentionally harm or threaten to harm individuals and officers by transferring an infectious disease.

For these reasons, MCPA and MSA **SUPPORT SB 356 WITH AMENDMENTS** and urge a **FAVORABLE** committee report **AS AMENDED**.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236