

Testimony in support of SB0356, the Carlton R. Smith Jr., HIV Modernization Act, before the Maryland State Senate Judicial Proceedings Committee on January 29, 2025, by Robert Suttle:

Good morning, Chairperson and members of the committee. Thank you for this opportunity to speak.

My name is Robert Suttle. I am an HIV long-term survivor. I live in New York City and serve as chair of The Elizabeth Taylor AIDS Foundation (ETAF) Council of Justice Leaders—a diverse group of advocates with lived experience of HIV criminalization. Together, we work to educate, raise awareness, and end the stigma and injustice of HIV criminalization nationwide.

I strongly support SB0356, the Carlton R. Smith, Jr., HIV Modernization Act, and encourage you to do so as well.

HIV criminalization is rooted in outdated science and fear from decades ago when HIV was poorly understood. These laws do not reflect what we now know: ***people living with HIV who are on effective treatment cannot transmit the virus to others.***¹ U=U (Undetectable = Untransmittable) is a scientific fact and a breakthrough that has transformed lives, relationships, and public health strategies worldwide.

Sadly, I know this firsthand. In 2009, I was convicted under Louisiana’s HIV-specific statute. Despite no evidence of intent to harm or actual transmission of the virus, I was sentenced to six months of prison hard labor and was required to register as a sex offender. This didn’t protect anyone—it only caused more personal harm than good.

Stories like mine are far too common. ***In Louisiana, Black men make up 91% of HIV-related arrests.***² ***Here in Maryland, the trend is strikingly similar: Black people***

¹ Centers for Disease and Control and Prevention (2023, January 6). HIV Criminalization Legal and Policy Assessment Tool: Legal, Health, and Equity Considerations Related to HIV Criminalization, Public Health Surveillance, and Data Privacy <https://www.cdc.gov/hiv/policies/law/hiv-criminalization-legal-and-policy-assessment-tool.html#print>

² Cisneros, N. & Sears, B. (2022). Enforcement of HIV Criminalization in Louisiana. The Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/hiv-criminalization-louisiana/>
ENFORCEMENT OF HIV CRIMINALIZATION in Louisiana

account for 82% of HIV-related criminal cases.³ These laws don't just perpetuate stigma—they exacerbate racial and health inequities.

Repealing this law is not just about justice—it's essential for public health. These laws undermine efforts to end the HIV epidemic and, as the law is currently written, discourage testing, treatment, and disclosure in an environment that threatens criminalization against people living with HIV. Repealing this law is a crucial step toward ending the HIV epidemic in Maryland.

We can prevent HIV by eliminating stigma, or we can prosecute HIV by criminalizing those of us who are living with it. But we cannot do both.

I urge you to vote in favor of SB0356. Together, we can end the stigma, protect public health, and honor the dignity of all people, including those living and aging with HIV.

Thank you for the opportunity to speak today. I am happy to answer any questions you may have.

Robert Suttle, Chair

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³ Cisneros, N. & Sears, B. (2024). Enforcement of HIV Criminalization in Maryland. The Williams Institute.

<https://williamsinstitute.law.ucla.edu/publications/hiv-crim-md/>

ENFORCEMENT OF HIV CRIMINALIZATION in Maryland