

HB0039_RichardKaplowitz_FAV

01/28/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON HB#0039 - POSITION: FAVORABLE

Repealing the prohibition on an individual from knowingly transferring or attempting to transfer the human immunodeficiency virus to another individual

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/0039, **Repealing the prohibition on an individual from knowingly transferring or attempting to transfer the human immunodeficiency virus to another individual**

This law was originally passed due to fears and misinformation about the transmission of the AIDS virus. It was driven by racial and gender animus and the statistics on its application make that very clear.

“Since 2000, up to 104 people have been charged with an HIV-related crime in Maryland, according to a new report by the Williams Institute at UCLA School of Law. The state’s HIV-related criminal laws are disproportionately enforced based on gender and race. Black people, and Black men in particular, are overrepresented in HIV-related crimes. Black people make up 30% of Maryland’s population, 71% of people living with HIV, and 82% of HIV-related criminal cases. Black men comprise 14% of the state’s population and 44% of people living with HIV. However, they make up 68% of people accused in HIV-related criminal cases.”¹

Maryland has a broad HIV exposure law that can be applied to any type of HIV exposure ... including consensual sex, blood and tissue donation, breastfeeding, and/or needle sharing, and PLHIV [which] may be subject to misdemeanor charges.² “Under current statute, Maryland penalizes people (with significant fines and even imprisonment) for “knowingly transferring or attempting to transfer the human immunodeficiency virus to another individual.” This law has long been regarded for its role in further stigmatizing HIV-survivors and communities that are disproportionately affected by the condition, such as men who have sex with men (MSM). Furthermore, the law inhibits people from getting tested for the virus, as a person who do not make themselves aware of their status cannot be prosecuted under the law.”³

This bill corrects this injustice by repealing the prohibition on an individual from knowingly transferring or attempting to transfer the human immunodeficiency virus to another individual.

I respectfully urge this committee to return a favorable report on HB0039.

¹ <https://williamsinstitute.law.ucla.edu/press/hiv-crim-md-press-release/>

² <https://www.hivlawandpolicy.org/state-profiles/maryland>

³ <https://www.freestate-justice.org/freestate-s-look-back-on-the-2024-legislative-session-hiv-decriminalization>