

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 547

(Senator Lam)

Judicial Proceedings

**Public Health - Prohibition on Transfer of Human Immunodeficiency Virus -
Repeal**

This bill repeals the misdemeanor prohibition against and associated penalty for knowingly transferring or attempting to transfer the human immunodeficiency virus (HIV) to another.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect governmental operations or finances, including the work of the District Court.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law: An individual who has HIV may not knowingly transfer or attempt to transfer HIV to another individual. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to a maximum penalty of three years imprisonment and/or a fine of up to \$2,500.

Additional Comments: The Judiciary advises that there were five charges in fiscal 2020, two charges in fiscal 2021, and zero convictions in either year for knowingly transferring or attempting to transfer HIV.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2022
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