Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 287   (Delegate Fair)

Judiciary   Judicial Proceedings

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

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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, from fiscal 2000 through fiscal 2020, there were a total of 146 charges and 14 convictions for knowingly transferring or attempting to transfer HIV across both District and circuit courts in the State. In fiscal 2020 only (the most recent year for which the Judiciary provided data), there were five charges and three convictions.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 547 of 2022.

Designated Cross File: None.

Information Source(s): 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 2, 2023
km/jc   Third Reader - March 15, 2023
                                    Revised - Updated Information - March 28, 2023
                                    Revised - Correction - March 28, 2023

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