

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 485  
Judiciary

(Delegate Fair, *et al.*)

Judicial Proceedings

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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 HIV to another.

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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.

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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. While the offense has been charged six times in the District Court over the last three fiscal years (two in 2021, four in 2022, and zero in 2023), there were zero convictions during this time period.

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## Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 287 of 2023 and SB 547 of 2022.

**Designated Cross File:** SB 1165 (Senator Lewis Young) - Rules.

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

**Fiscal Note History:** First Reader - January 31, 2024  
km/jc Third Reader - March 18, 2024

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