

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 356 (Senator Smith)
Judicial Proceedings

Public Health - Repeal of Prohibition on Transfer of Human Immunodeficiency Virus (Carlton R. Smith Act)

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

Fiscal Summary

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

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

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. While the offense has been charged 13 times in the District Court over the last four fiscal years (two in 2021, four in 2022, three in 2023, and four in 2024), there were zero convictions during this time period.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 1165 and HB 485 of 2024; HB 287 of 2023; and SB 547 of 2022.

Designated Cross File: HB 39 (Delegate Fair, *et al.*) - Judiciary.

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 - January 23, 2025
js/jc

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