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The Honorable Chair Luke Clippinger
House of Delegates Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401
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**Testimony of FreeState Justice
IN SUPPORT OF HB 287 - Public Health: Prohibition on Transfer of Human
Immunodeficiency Virus – Repeal**

To the Honorable Chair Luke Clippinger and esteemed members of the Judiciary Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

We write today in support of HB 287 which would eliminate the unequal treatment of people living with HIV (PLHIV) for prosecution and stigma. Currently, HIV is the only infectious disease specifically named in a criminal context within Maryland's criminal code. This statute allows a court to fine the person at a rate five times harsher with three times as long of a prison sentence compared to the general statute applied against other infectious diseases.

PLHIV has faced prosecution even without exposing others to any risk of disease transmission. In a 2008 case, a 44-year-old was sentenced to 18 years of imprisonment; ten years of his sentence stemmed from a charge of "knowingly attempting to transfer HIV to another person" because they allegedly bit a police officer during an arrest. The officer did not test positive for HIV and, according to the CDC, there exists only a "negligible" risk of HIV transmission from a bite. Yet Maryland's statute and its application ignore these scientific findings, leading to prosecutions for behavior that poses a remote and minuscule possibility of transmitting HIV.

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

This law frustrates public health goals. Stigma against this disease and the severity of this criminal code reduces the number of people getting tested, potentially leading to higher transmission levels throughout the state. Furthermore, the context in which the law was enacted and is still applied leads us to understand its discriminatory intent; the specific statute that singles out HIV transmission above all other disease was enacted during the height of the AIDS epidemic where fear & homophobia governed much of our public policy.

Maryland law has not kept up with advances in science since then; it punishes people who are safely managing HIV thanks to advances in medicine and perpetuates rhetoric that leads to legal, social, and physical discrimination against this community.

Ultimately, these laws are unnecessary. Legal guardrails already exist for people who knowingly and intentionally transmit a communicable disease.

For this reason, FreeState Justice urges a favorable report on House Bill 287.

Jamie Grace Alexander

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