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**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
mcasa.org

**Testimony Supporting Senate Bill 356**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 356.

**Senate Bill 356 – Repeal of HIV-Specific Law on Intentional Transmission**

Senate Bill 356 would repeal HIV-specific provisions criminalizing knowing transmission or attempted transmission of the HIV virus and imposing a penalty of up to 3 years imprisonment, a \$2500 fine, or both.

Previously, MCASA has encouraged this Committee to adopt amendments to continue to criminalize conduct to transmit an infectious or contagious disease with the specific intent to harm another person (we emphasize that MCASA does not believe that this should apply only to HIV). We continue to believe that a separate statute is an appropriate public policy to protect rape survivors and note that other states have taken this approach; see chart submitted with this testimony. However, we have reviewed the Attorney General's advice letter opining that other law is available to prosecute these cases and have received assurances from legislators that if this opinion is incorrect and the current law fails to protect rape survivors, this issue will be addressed in the future. As a result, MCASA supports SB356 as written.

One of the risks faced by rape survivors is HIV infection.<sup>1</sup> Studies of HIV transmission have been based on consensual sexual activity, and do not account for the violence of rape, so it is unclear what the risk level is, however, 91.9% of rape victims reported some degree of initial fear or concern for contracting HIV and 72.6% reported extreme fear or concern for contracting HIV.<sup>2</sup>

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<sup>1</sup> Draughon, J. (2012). *Sexual Assault Injuries and Increased Risk of HIV Transmission*.

<sup>2</sup> Resnick, H., Monnier, J., Seals, B., Holmes, M., Walsh, J., Acierno, R., Kilpatrick, D., (2002). *Rape-Related HIV Risk Concerns Among Recent Rape Victims*.

Sexual assault programs and prosecutors in Maryland have reported cases of sexual assault where perpetrators have intentionally attempted to infect their victims with HIV. These have included situations where perpetrators have told the victim they are infected during the assault. It is appropriate to prosecute this exceeding cruel and demeaning behavior. However, there is also consensus that Health General §18-601.1 and a law specifically targeting HIV is interwoven with discrimination against the LGBTQ+ community. Public Health officials also report that statutes singling out HIV increase stigma, exacerbate disparities, and may discourage HIV testing.<sup>3</sup> This is particularly relevant for sex workers, many of whom are victims of sex trafficking, and who may avoid testing for HIV due to §18-601.1.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 356**



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<sup>3</sup> <https://www.cdc.gov/hiv/policies/law/states/exposure.html>