HIV Criminalization Rate May Be Much Higher Than Thought, Says Report

December 21, 2015



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HIV criminalization rates in California and across the nation might be much higher than estimated, according to a report from the Williams Institute. What's more, black men and women and white women were much more likely than white men to be charged under HIV-related laws.

Titled *HIV Criminalization in California: Penal Implications for People Living with HIV/AIDS*, the report analyzed data from the California Department of Justice regarding anyone in contact with HIV-related criminal laws between 1988 to June 2014.

Findings showed that the state's four HIV laws affected 800 people and that 95 percent of the cases did not require proof of exposure or transmission in order to prosecute.

In a related opinion piece printed in The Pride, study authors Amira Hasenbush and Ayako Miyashita write: "The biggest revelation [from the research] was the prosecution rates under these laws. Across all HIV-related crimes, white men were significantly more likely to be released and not charged whereas black men, black women and white women were significantly less likely to be released and not charged."

They conclude that "under HIV criminalization laws, certain communities bear more weight of the penal code than others."

According to a William Institute press release on the report, other key findings include:

- Nearly every incident in which charges were brought resulted in a conviction (389 out of 390 incidents). Among those with known sentences at the time of conviction, 91 percent were sent to prison or jail for an average of 27 months.

- The vast majority of these incidents (95 percent) involved sex work. The law that criminalizes

sex workers living with HIV does not require intent to transmit HIV or exposure to HIV.

    - Women made up 43 percent of those who came into contact with the criminal justice system based on their HIV-positive status.

- African Americans and Latinos make up two-thirds (67 percent) of those who came into contact [with the criminal justice system] based on charges of these crimes.

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