California Governor Signs Bill Modernizing HIV Crime Laws

Starting January 1, it will be a misdemeanor—instead of a felony—to knowingly expose or infect a partner without disclosing.

October 9, 2017

The coming year will mark a new dawn for HIV crime laws in California. Beginning January 1, 2018, laws regarding disclosure and transmission will be modernized. Specifically, it will be a misdemeanor instead of a felony to knowingly expose or infect a partner to HIV without disclosing, CNN reports.

Governor Jerry Brown on Friday, October 6, signed bill SB 239, which lawmakers had passed in September. To be clear, it is still a crime to expose or infect others. But the new law decreases jail time to a maximum of six months. Previously, people found guilty of nondisclosure faced up to eight years in prison.

Similarly, CNN reports, the law lessens the penalty for knowingly donating HIV-positive blood, making it a misdemeanor instead of a felony.

Supporters of the bill note that HIV is no longer a death sentence and that outdated laws hinder people from getting tested or—if needed—getting on treatment that can render their viral load undetectable, virtually eliminating their chances of transmitting the virus. CNN notes that Republican lawmakers opposed the bill and that Senator Joel Anderson argued that contracting HIV changes a person's life forever. "The critical word in this is 'intentionally,'" Anderson said in September. "When you intentionally put others at risk, you should have responsibility."

Authored by Senator Scott Wiener (D–San Francisco) and Assemblymember Todd Gloria (D–San Diego), the bill was cosponsored by APLA Health (which serves the HIV and LGBT communities), the ACLU of California, the Black AIDS Institute, Equality California, Lambda Legal and Positive Women's Network–USA. As POZ previously reported, the cosponsors are part of a coalition called Californians for HIV Criminalization Reform (CHCR). Numerous additional members of CHCR support the legislation.

"Today California took a major step toward treating HIV as a public health issue, instead of treating people living with HIV as criminals," said Wiener in a PWN-USA press release about the governor's signing the law. "HIV should be treated like all other serious infectious diseases, and

that's what SB 239 does. We are going to end new HIV infections, and we will do so not by threatening people with state prison time but rather by getting people to test and providing them access to care. I want to thank Governor Brown for his support in helping to put California at the forefront of a national movement to reform these discriminatory laws."

"The passage of SB 239 marks tremendous progress for Californians living with HIV. Laws that criminalize HIV-positive status are not based on science—they are based solely on hysteria and fear—and essentially create an underclass of people diagnosed with a disease, placing us at risk for discrimination and even violence," added Naina Khanna, executive director of PWN-USA in the press release. "Today, California has proved once again that is a national leader on protecting safety, dignity and human rights for all its residents."

"This is great news for communities of color in California, which are disproportionately impacted by HIV—and even more disproportionately prosecuted under these laws," said Francisco Dueñas, Lambda Legal's director of diversity and inclusion and Proyecto Igualdad, in a Lambda Legal press release. "Though only one small step in addressing the over-criminalization of Black and Latino people, it is an important step on the road to health and HIV prevention justice, particularly for gay, bisexual and transgender communities of color in our state."

As POZ reported in September, when California lawmakers sent the bill to the governor, SB 239 stated it will:

> "…make the intentional transmission of an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months if certain circumstances apply, including that the defendant knows he or she or a 3rd party is afflicted with the disease, that the defendant acts with the specific intent to transmit or cause an afflicted 3rd party to transmit the disease to another person, that the defendant or the afflicted 3rd party engages in conduct that poses a substantial risk of transmission, as defined, that the defendant or the afflicted 3rd party transmits the disease to the other person, and if the exposure occurs through interaction with the defendant and not a 3rd party, that the person exposed to the disease during voluntary interaction with the defendant did not know that the defendant was afflicted with the disease. The bill would also make it a misdemeanor to attempt to intentionally transmit an infectious and communicable disease, as specified, punishable by imprisonment in a county jail for not more than 90 days.… This bill would make willful exposure to an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months, and would prohibit a health officer, or a health officer's designee, from issuing a maximum of 2 instructions to a defendant that would result in a violation of this provision."

For related POZ articles, click #Criminalization.

© 2026 Smart + Strong All Rights Reserved.