



Letter From the Editor: Is It a Crime?

HIV criminalization laws must be abolished.

February 13, 2023 By [Oriol R. Gutierrez Jr.](#)

I don't remember exactly when it happened, but I do recall my first in-depth conversation about HIV criminalization. It was with POZ founder Sean Strub. I was the deputy editor at the time. He was in the process of launching a new nonprofit called the Sero Project.

I was sitting in the office of our managing editor, Jennifer Morton. Sean was visiting the office for a meeting, so he came to say hello to us. His appointment was delayed, which gave us all a chance to talk about the injustice of HIV criminal laws and the need for advocacy against such laws.

Before that chat, I admit that I had not thought about this topic in any great detail. I knew such laws existed, but I hadn't considered how badly they had aged, since most had been implemented before effective treatment. HIV was no longer an automatic death sentence. Regardless, I confess that it took me quite some time to get past my own hang-ups about this issue.

My reasons were very personal. I tested HIV positive in 1992. Since I had tested HIV negative in 1991, I was confident that only one person could have transmitted the virus to me. When I confronted him that I had tested HIV positive, he didn't disclose his own status right away, but eventually, he did. He died of AIDS-related illness in 1994.

Needless to say, I was angry at him for years. That anger did diminish over time, especially as I repeatedly encountered the stigma and discrimination he must have experienced. I never once considered involving the legal system in what I believed to be a personal matter, but for years, I could not fault others for making a different choice. That changed soon after my chat with Sean.

I went through the same process most people do when they start to think more deeply about HIV criminalization. At least that's how Sean described it during that talk, as a process. Realizing step by step that every objection to repealing these laws has a compelling counterpoint only leads folks to one conclusion: HIV is not a crime; therefore, these laws must be abolished.

Since its launch in 2012, the Sero Project has led the way on this topic. Many states have already modernized their HIV criminalization laws, notably states that once imprisoned people simply for not disclosing, even if they were undetectable and HIV wasn't transmitted. As a measure of that success, in May, Sean will be stepping down as executive director. Longtime advocates Tami Haught and Kamaria Laffrey will become co-executive directors. Go [here](#) to read more about their

efforts.

In addition to highlighting the efforts of Tami and Kamaria, this issue also features the stories of other women advocates, such as Krista Martel. In 2023, she marks 10 years at the helm of The Well Project. Go [here](#) to read more about Krista. Another advocate is Lashanda Salinas. Go [here](#) to read about why she is fighting against Tennessee's HIV criminal laws.

Please also take a look at our poster about HIV criminalization [here](#).

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