



Ending Discriminatory HIV Prosecutions

Enforcement of a Tennessee state law will cease.

August 12, 2024 By HIV.gov

The Justice Department announced in May that the Shelby County, Tennessee, district attorney general has agreed to cease prosecution of individuals living with HIV under Tennessee's aggravated prostitution law. The DA will also adopt reforms to correct discrimination against people living with HIV who were subjected to discriminatory and harsher penalties under the law.

This agreement resolves the Justice Department's finding that the Shelby County DA violated the Americans with Disabilities Act (ADA) by enforcing Tennessee's aggravated prostitution law that imposed enhanced criminal penalties based on a person's HIV status. The prosecutions were carried out without consideration of risk of transmitting HIV, and the harsher penalties included being charged with a felony (as opposed to a misdemeanor) and being required to register for life as a sex offender.

"Living with HIV is not a crime and the continued enforcement of laws that criminalize a person based on their HIV status, regardless of risk, perpetuates bias, stereotypes and ignorance about HIV," said assistant attorney general Kristen Clarke of the Justice Department's Civil Rights Division. "We are pleased that [the] Shelby County District Attorney has agreed to cease enforcement of this discriminatory law, and that future prosecution decisions will reflect the significant advances made in HIV prevention and treatment, consistent with the ADA."

Under this agreement, the DA will not prosecute individuals under the aggravated prostitution law or for violations of the sex offender registry requirements that have resulted from prior convictions under that law. The DA will also notify anyone eligible of their ability to petition for the vacating of their convictions, termination of the remainder of their sentences and elimination of fees owed.

This agreement also requires the Shelby County DA to adopt policies and train prosecuting attorneys on the ADA's anti-discrimination requirements relating to HIV, a disability under the ADA. Under the agreement, the DA will also report its compliance with the agreement to the department.

