Bill Introduced to Reform HIV Criminalization Law in Iowa

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A bipartisan bill has been introduced in the Iowa legislature to reform its 709c law, KWWL reports. The current law states that a person has committed criminal transmission of HIV if that person has sex without disclosing his or her status, regardless of actual transmission.

The bill would make sentencing tiered instead of a one-size-fits-all system. Currently, being found guilty is a class B felony with a potential of 25 years in prison. Under the bill, it would remain a class B felony if someone intends to transmit HIV and does transmit.

However, it would be a class D felony if there is intent but no transmission or if there is no intent but transmission occurs. People found guilty under those circumstances would face a potential of five years in prison.

The bill also would stop classifying people sentenced as sex offenders and retroactively remove people who were sentenced from the sex offender registry. Further, prosecutors also would have to prove substantial risk of transmission instead of the current standard of only proving nondisclosure.

The current law is specific to HIV, but the bill also would include tuberculosis and meningococcal disease. Despite concerns, the Community HIV/Hepatitis Advocates of Iowa Network (CHAIN) and the LGBT group One Iowa support the bill as a step to reducing stigma.

The state law came to national attention in 2009 after Nick Rhoades, an HIV-positive Iowa man, was sentenced to 25 years in prison. He received the sentence despite using a condom to not transmit and not transmitting. His sentence was eventually suspended to five years of probation. Rhoades is currently seeking an Application for Post-Conviction Relief, which will be heard by the Iowa Supreme Court.

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