Iowa Governor Signs HIV Criminalization Reform

June 2, 2014

Governor Terry Branstad (R–Iowa) has signed into law a tiered sentencing system that replaces the previous one-size-fits-all approach to HIV criminal law, according to a statement by the Sero Project, which fights stigma and injustice with a current focus on HIV criminalization. Iowa is the first state to repeal its HIV-specific criminal statute.

The new law takes into consideration if there was intent to transmit HIV, if there was significant risk of transmission and if the virus was transmitted. Also under the new law, those convicted would no longer be sentenced as sex offenders and those convicted under the previous statute will be retroactively removed from the sex offender registry.

Tami Haught, a Sero board member living with HIV for more than 20 years, led the advocacy of the Community Hepatitis/HIV Advocates of Iowa Network (CHAIN) to modernize the statute. During five years of efforts, CHAIN picked up the support of other groups, including One Iowa, the largest LGBT organization in the state.

The case of Nick Rhoades, an Iowa man convicted under the old law who was initially sentenced to 25 years in prison and lifetime sex offender registration, was the spark that set state advocates to action. His prison sentence was suspended, but his Application for Post-Conviction Relief is still pending before the Iowa Supreme Court.

According to the Sero Project, the new law, which also includes other infectious diseases, makes its classification of infectious diseases consistent with other Iowa code. Some advocates have concerns about the new law, including the inclusion of other diseases.

To read the statement, click here.

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