HIV Law Roundup

May 8, 2015 By Trent Straube

First, good news from Rhode Island: When lawmakers in that state tried to pass a bill to criminalize the behaviors of people with HIV, advocates from the Positive Women's Network (PWN-USA) organized public testimony against the bill—and helped defeat it.

A military high court reversed the HIV assault conviction of Kansas airman David Gutierrez for exposing multiple partners to HIV at swingers parties. Noting that prosecutors failed to prove that Gutierrez's actions were likely to transmit the virus, the ruling overturns 25 years of precedent and effectively ends similar prosecutions in the military.

The Positive Justice Project (PJP) released seven principles for modernizing HIV criminalization laws. They're found in a one-pager you can download called "Guiding Principles for Eliminating Disease-Specific Criminal Laws."

In San Diego, Thomas Guerra pleaded no contest to not telling his partner that he had HIV. The case, in which his partner did contract the virus, made national headlines, including the POZ feature "Burden of Proof: Is Criminalizing HIV Ever a Good Idea?" Guerra faces a possible six months in jail and a $1,000 fine.

Finally, all eyes turn to Alabama, Texas and Missouri, where lawmakers have been considering bills to criminalize HIV. Let's hope our advocates will enjoy a Rhode Island repeat.

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