Scottish HIV Groups: Proof of HIV Transmission Needed for Legal Prosecution

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After Mark Devereaux was convicted of having unprotected sex with four women without disclosing his HIV-positive status, HIV groups in Scotland are recommending that lawsuits involving transmission of the virus require proof of transmission, BBC News reports. Out of the four women Devereaux had sex with, one tested positive for HIV.

At the High Court in Edinburgh, Devereaux—from Dundee, Scotland—owned up to four charges of culpable and reckless behavior during January 2003 to December 2008. Devereaux was diagnosed with HIV in 1994. He told the police none of his partners knew he was positive, claiming he was “in denial” about his HIV status at the time.

The case led the National AIDS Trust (NAT) to recommend Scottish law be changed so people living with HIV can’t be charged with culpable and reckless conduct unless transmission occurs.

“We recognize that primary motivation for bringing this prosecution must have been the actual transmission of HIV and that the prosecution would have felt it necessary to put the full context before the court,” said Roy Kilpatrick, chief executive of HIV Scotland. “However, it would be alarming if the charges brought in this case open the door for future prosecutions in cases where no harm has been caused.”

Devereaux’s sentence was deferred for reports.

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