Washington State Legislature Votes to Modernize HIV Crime Laws

Under the bill, intentionally transmitting HIV to a sexual partner is reduced from a felony to a misdemeanor. And that's not all.

March 5, 2020 By Trent Straube

The Washington State Senate passed a bill to lower the penalty for intentionally exposing a sexual partner to HIV, making the crime a misdemeanor instead of a felony, reports The New York Times. The state House of Representatives passed the bill 57–40 last month. It now goes to Governor Jay Inslee, who is expected to sign it into law.

Currently, a person charged with the felony of intentional HIV exposure or transmission could face life in prison and a $50,000 fine. The new bill would reduce the charge to a misdemeanor carrying a penalty of up to a possible 90 days in jail and a $1,000 fine if the sexual partner contracts HIV.

If a situation entails a person with HIV lying about his or her status, the charge becomes a gross misdemeanor with a penalty of up to a year in jail and a $5,000 fine, reports the Times. An amendment added to the bill in the House keeps the felony charge if HIV is intentionally transmitted to a child or vulnerable adult, the Times reports.

What's more, according to MyNorthwest.com, the bill allows minors to access pre-exposure prophylaxis (PrEP), the daily pill to prevent HIV, without parental consent. The bill also updates testing protocols and language and makes other changes that reflect the most recent science behind HIV treatment, prevention and transmission.

When lawmakers debated the bill, HB 1551, Republicans rejected the proposal, saying it would put the public at risk. Supporters pointed out that criminalizing HIV "creates fear of being tested, fear of accessing health care, and undermines the trust and prevention care and treatment systems impacting our marginalized communities the most," as Lauren Fanning of the Washington HIV Justice Alliance, explained it.

Washington is one of 29 states with outdated HIV-specific crime laws still on the books, though the law is not used often in Washington—33 criminal cases were filed between 1986 and 2019, three of which resulted in felony convictions, according to the Times.

Seven other states have modernized their HIV laws to reflect current HIV science, including that an

HIV-positive person who maintains an undetectable viral load cannot transmit the virus during sex, even when condoms are not used, a fact referred to as Undetectable Equals Untransmittable, or U=U

Currently, legislators in Ohio, Florida and Virginia have introduced bills to modernize their HIV crime laws.

In related POZ news, read "How to Engage the Media to Fight Unjust HIV Crime Laws," which includes a link to a free downloadable resource from HIV Justice Worldwide. To read about California's efforts to update its HIV laws, which went into effect January 2018, see "Modernizing HIV Crime Laws."

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