

Class C misdemeanor.

| State | Statute | 234.96350.521234i- o1234- 2. 1 (e)] TJE | Tq. 3. 44 252. 11 r7 - 6 (Crim52. 12 1234. 96 35 | |
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| Alaska | Alaska Stat. § 11.41.420 | May be considered an aggravating factor in a felony conviction, allowing for imposition of a sentence beyond the presumptive range. | Where offense was a felony specified in A.S. § 11.41.410 -- 11.41.455 (sexual offenses), it can be considered an aggravating factor if the defendant had been previously diagnosed as having or having tested positive for HIV or AIDS, and the offense either (A) involved penetration, or (B) exposed the victim to a risk or a fear that the offense could result in the transmission of HIV or AIDS. | |
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| | | | class 5 felony. | |
| | Colo. Rev. Stat §187-205.7 | Class 6 felony | Patronizing a prostitute with knowledge of being HIV positive is a class 6 felony. | Includes sexual intercourse or entering place of prostitution with intent to engage in prostitution. |
| Connecticut | N/A | N/A | N/A | N/A |
| Delaware | Del. Code Ann. 16 § 2801 | Class E felony | Knowing, reckless or intentional use of HIV-infected human tissue or organs is a Class E felony. | |
| District of Columbia | N/A | N/A | N/A | N/A |
| Florida | Fla. Stat. Ann. § 384.24 | | It is unlawful for any person, knowing him/herself to be HIV positive and knowing the risk of transmission through sexual intercourse, to have intercourse without informing his/her partner of his/her HIV status and receiving consent. | Explicit exception for informed consent. |
| | Fla. Stat. Ann § 381.0041 (11)(b) | 3rd degree felony punishable by not more than 5 years. | Any person who, knowing him/herself to be HIV positive and knowing that HIV may be transmitted through donating blood, plasma, organs, skin or other human tissue, donates blood, plasma, organs, skin or other human tissue is guilty of a felony of the 3rd degree. | |
| Georgia | Ga. Code Ann. § 165-60(c) | Felony punishable by imprisonment for not more than 10 years | A person with knowledge that he/she is HIV positive who knowingly 1) engages in sexual intercourse or any sexual act involving the sex organs of one person and the mouth or anus of another person without prior disclosure of HIV status 2) shares hypodermic needles 3) offers or consents to perform sexual intercourse with another person for money without disclosing HIV status 4) solicits another person to perform or submit to an act of sodomy without disclosure of HIV status 5) donates blood, blood products, other body fluids, or any body organ or body part without disclosing HIV status to the person drawing blood or collecting body parts or fluid, is guilty of a felony. | Exception for informed consent. |
| | Ga. Code Ann. § 165- | Felony punishable by | Any person knowing him/herself to be HIV | |

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| | 60(d) | imprisonment for not less than 5 and not more than 20 years | positive who commits an assault with the intent to transmit HIV or hepatitis using body fluids (blood, semen or vaginal secretions), saliva, urine or feces upon a peace officer or a correctional officer while they are engaged in official duties or "on account of the officer's performance of his/her official duties" commits a felony. | |
| Hawaii | N/A | N/A | N/A | N/A |

Idaho

Idaho Code § 39-608

Felony punishable by imprisonment for a period not to exxpo9437e50.6(l)y37e50an hn(t)6.1(h)-5.3(e)T2 Tm0 0 00 -14.4(xpo[-4.2 i(s)52.4(13.4i)8356od n13.4cc0.ficer0.00f

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| | | <p>TB. Class B felony if the person knew or recklessly failed to know that the fluid or waste was infected with Hepatitis B or TB and the offense results in transmission.</p> <p>Class A felony if the person knew or recklessly failed to know that the bodily fluid or waste was infected with HIV and the offense resulted in transmission.</p> | | |
| | Ind. Code Ann. § 35--42-2-6(d) | <p>Class D felony if the person knew or recklessly failed to know that the blood, semen, urine or fecal waste was infected with Hepatitis B, HIV or TB.</p> <p>Class C felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with Hepatitis B or TB and the act results in transmission.</p> <p>Class B felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected</p> | A person who knowingly or intentionally, in a rude, insolent or angry manner, places human blood, semen, urine or fecal waste on another person commits battery by body waste. | |

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| | | with HIV and transmission resulted. | | |
| Iowa | Iowa Code § 709 C | Class B felony | A person who knows he/she is HIV positive and a) engages in intimate contact with another person, b) transfers, donates or provides blood, tissue, semen, organs or other potentially infectious bodily fluids for transfusion, transplantation, insemination or other administration to another person, or c) dispenses, delivers, exchanges, sells or in any other way transfers to another person any non-sterile intravenous or intramuscular drug paraphernalia previously used is guilty of a felony. | Informed consent is an affirmative defense. Actual transmission of HIV is not necessary for conviction. |
| Kansas | Kan. Stat. Ann. § 21-3435 | Class A misdemeanor | It is a Class A person misdemeanor for an individual who knows him or herself to be infected with a life threatening communicable disease to knowingly: engage in sexual intercourse or sodomy (defined as penetration with the male sex organ only) with another individual with the intent to expose that individual to that disease; to sell or donate his or her own blood, blood products, semen, tissue, organs or other body fluids with the intent to expose the recipient to a life threatening communicable disease; or to share with another individual a hypodermic needle, syringe, or both for the introduction of drugs or any other substance or for the withdrawal of blood or body fluids with the intent to expose another person to a life threatening communicable disease. | |
| Kentucky | Ky. Rev. Stat. § 529.090 | Class D felony | Anyone who knows him/herself to be HIV positive and commits, offers or agrees to commit prostitution by engaging in sexual activity in a manner likely to transmit HIV is guilty of a class D felony. | |
| | Ky. Rev. Stat. § 529.090 (4) | Class D felony | Any person who knows he/she is HIV positive and procures another to commit | |

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| | Ky. Rev. Stat. § 311.990 (24) (b) | Class D felony | prostitution in a manner likely to transmit HIV is guilty of a class D felony. A person who knows he/she is HIV positive and has been informed that HIV can be | |

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| | Miss. Code Ann. § 97-27-14(1) | Felony | A person who knows he is HIV positive who attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva is guilty of a felony. | |
| Missouri | Mo. Rev. Stat § 191.677 | Class B felony. Class A felony if transmission occurs. | It is unlawful for a person who is HIV positive to 1) be or attempt to be a blood, blood products, organ, sperm or tissue donor except as d | |

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| | Okla. Stat. § 1-519 | Felony | Any person, after being infected and before being discharged and pronounced cured by a physician in writing, who marries any other person or exposes any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the venereal disease, is guilty of a felony. | |
| Oregon | N/A | N/A | N/A | |
| Pennsylvania | 18 Pa. Cons. Stat. § 2703 | 2nd degree felony | A person who is confined in or committed to any local or county detention facility, jail, prison, state penal or correctional institution is guilty of a second degree felony if he/she intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces when at the time the person knew, had reason to know, or should have known or believed, such material to be infected with a communicable disease, including but not limited to HIV. | |
| | 18 Pa. Cons. Stat. § 2704 | Penalty shall be the same for murder in the 2nd degree, which is punishable by death or life imprisonment. | A person who already has been sentenced to death or life imprisonment and who intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when at the time of the offense the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual infected with a communicable disease including but not limited to HIV, is guilty of a crime (penalty same as murder in the second degree). | |
| | 18 Pa. Cons. Stat. § 5902(a) | Felony of the 3rd degree | Any person who commits prostitution knowing he/she is HIV positive is guilty of a felony. | |
| | 18 Pa. Cons. Stat. § 5902(b) | Felony of the 3rd degree | A person who knowingly promotes the prostitution of another who is HIV positive | |

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| | | | is guilty of a felony. | |

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| Tennessee | Tenn. Code Ann. § 39-13-109 | Class C felony | <p>criminal exposure to HIV.</p> <p>A person, knowing that he/she is HIV positive, who knowingly (1) engages in intimate contact with another; (2) transfers, donates or provides blood, tissue, semen, organs, or other potentially infectious body fluids or parts for transfusion, transplantation, insemination or other administration to another in any manner that presents a significant risk of HIV transmission; or (3) dispenses, delivers, exchanges, sells or in any other way transfers to another any non-sterile intravenous or intramuscular drug paraphernalia, is guilty of a class C felony.</p> | Informed consent is an affirmative defense. Actual transmission of HIV is not necessary for a conviction. |
| | Tenn. Code Ann. § 68-10-107 | Class C misdemeanor | Any person infected with an STD who | |

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| | | | has sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with the intent to transmit the infection to another person is guilty of a class 6 felony. | |