

HIV CRIMINAL LAW REFORM: BEFORE & AFTER



Texas

Texas Repealed its HIV Criminal Law in 1994

In 1994, Texas became the first state to repeal its HIV criminalization law.

BEFORE 1994

It was a felony punishable by up to 10 years and a \$10,000 fine if a person living with HIV (PLHIV) intentionally, and without consent, transferred their bodily fluids to another.

This HIV-specific felony was enforced: PLHIV prosecuted included an activist accused of scratching a police officer and a man accused of exposing a sexual partner.

WHAT CHANGED?

Texas repealed its HIV criminal law.

The repeal was accomplished as part of an omnibus crime bill Texas passed that year.

WHO IS STILL AT RISK?

Texas did not stop prosecuting PLHIV for alleged exposure as a result of the repeal.

In the years since repeal of the HIV-specific law, PLHIV have been subject to prosecution for aggravated assault (assault with a “deadly weapon” or assault that causes serious bodily injury) **and aggravated sexual assault** (sex without consent or with a child, involving the use of a “deadly weapon” or causing serious bodily injury).

Courts in Texas have consistently found that the bodily fluid of a PLHIV can be a “deadly weapon,” regardless of risk of transmission.

PLHIV also have been prosecuted for attempted murder and harassment of a public servant.

PLHIV can face these serious felony prosecutions for acts that do not involve intent to transmit, pose little to no transmission risk, and do not in fact result in transmission.



To read the full text of the current law, as well as additional analysis, please visit www.hivlawandpolicy.org/states/texas.

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