

## HIV DISCRIMINATION AND CRIMINALIZATION

**WHEREAS**, The U.S. Conference of Mayors has been a national leader on strategies to address HIV/AIDS for three decades, establishing in 1984 an HIV/AIDS Program and implementing a HIV/AIDS Prevention Grants Program with funding from the Centers for Disease Control and Prevention (CDC); and

**WHEREAS**, The National HIV/AIDS Strategy (NHAS) released by the White House includes a statement on the problem and public health consequences of HIV criminalization and notes that many state HIV-specific criminal laws reflect long-outdated misperceptions of HIV's modes and relative risks of transmission; that criminal law has been unjustly used in the United States to prosecute and disproportionately sentence people with HIV; and that legislators reconsider whether these laws further the public interest and support public health approaches to preventing and treating HIV; and

**WHEREAS**, nearly all HIV-specific criminal laws do not consider correct and consistent condom use and effective antiretroviral therapy that reduces the risk of HIV transmission to near-zero as evidence of a lack of intent or ability to harm; and behaviors that according to the Centers for Disease Control and Prevention (CDC) have negligible risk of transmitting HIV, such as spitting and biting, have resulted in sentences as long as 35 years; and

**WHEREAS**, sound criminal justice and public health policy toward people living with HIV is consistent with an evidence-based approach to disease control and research demonstrates that HIV-specific laws do not reduce transmission or increase disclosure and may discourage HIV testing; and

**WHEREAS**, The Presidential Advisory Council on HIV/AIDS, the Centers for Disease Control, and the United Nations Global Commission on HIV and the Law have conducted extensive scientific research and evidence reviews, finding that public health is endangered by HIV discrimination and criminalization and calling for comprehensive revision of state and federal laws and regulations,

**NOW, THEREFORE, BE IT RESOLVED**, that the U.S. Conference of Mayors calls for the elimination of HIV-specific criminal laws and implementation of approaches to HIV within the civil and criminal justice systems that are consistent with the treatment of similar health and safety risks; and supports legislation, such as the REPEAL HIV Discrimination Act, that advances these objectives; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors endorses the recommendations of the Presidential Advisory Council on HIV/AIDS for ending federal and state HIV-specific criminal laws, prosecutions, and civil commitments.

Projected Cost: Unknown