HED:

BY: Brandon Shaik

Michael Johnson, a gay college student from Missouri, has served eight months of a 30.5 year prison sentence, the equivalent of a homicide sentence. Johnson was charged with having sexual contact while infected with HIV and failing to document the disclosure of his status with his partners.

Johnson’s case is not unusual as laws criminalizing HIV remain in many U.S. states. A report released last month found that LGBT people are being criminalized at disproportionate rates largely due to laws related to having HIV, underscoring cases like Johnson’s and others.

“To what extent does putting someone into prison or jail help either that individual or public safety? That’s a huge question,” said Naomi Goldberg, Policy Specialist for the Movement Advancement Project and author of the report. “These laws don’t actually do anything to encourage people to get tested and know their status or help people who are actually living with HIV in their day to day lives.”

“There’s a lot of overlap between people who identify as LGBT and people who are living with HIV,” she said. “Our main argument is that these laws rely on outdated science and really target people living with HIV unfairly and don’t actually do anything to contribute to public safety.”

In the U.S. 38 states have HIV-specific laws, 33 states charge violations of these laws or statutes as felony offenses, and nine states require offenders to register as sex offenders, according to the report.

A report released by the Williams Intitute at the UCLA School of Law defines HIV criminalization as statutes that “criminalize otherwise legal conduct or that increase the penalties for illegal conduct based upon a person’s HIV-positive status.”

Collecting data from the state of California criminal justice system, the Williams Institute found that 800 people came in contact with the California criminal justice system between 1988 and 2014 in relation to their HIV status.

“Essentially if you’re charged with one of these HIV related charges in California you’re essentially guaranteed to be convicted, 99 percent of the cases in which individuals were charged they were ultimately convicted and almost all of the people had to serve time in prison or jail," Goldberg said.

“The public conversation in the U.S. currently is focused on criminal justice reform and the need for changes in the way that people interact with law enforcement and recognizing that we have one of the highest rates of incarceration in the world and the system is broken,” Goldgerg said. “Given that national conversation and that context, we felt like an examination of how LGBT people interact with those systems and with the criminal justice system was helpful both in terms of pushing for reforms that are comprehensive and that address these really high rates of incarceration for LGBT people but also to help localize LGBT communities to take criminal justice reform as an issue that we have a stake in and that we should care about.”