

Knowingly exposing others to HIV won't be a felony in California anymore: 'Absolutely crazy'

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It will no longer be a felony to knowingly expose others to HIV in California starting in 2018. California Democratic Gov. Jerry Brown signed the bill Friday that lowered the penalty to a misdemeanor for knowingly exposing a sexual partner to HIV. (Image source: YouTube screenshot)

[Dave Urbanski](#)

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Knowingly exposing others to HIV no longer will be a felony in California starting in 2018 (<http://www.cnn.com/2017/10/07/health/california-hiv-bill-signed/index.html>), according to a bill California Democratic Gov. Jerry Brown signed Friday.

What else does the bill say?

- The penalty is lowered to a misdemeanor for knowingly exposing a sexual partner to HIV or giving blood without telling the blood bank about the infection, the Los Angeles Times reported (<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-gov-brown-downgrades-from-felony-to-1507331544-htlmstory.html>).
- The state previously punished offenders with up to eight years in prison, CNN said (<http://www.theblaze.com/video/todays-90-second-news-update-3/>); maximum jail time now is lowered to six months.

What do supporters of the bill say?

- State Sen. Scott Wiener (D) and Assemblyman Todd Gloria (D), authors of the bill, said medicine today lets those with HIV live longer and nearly eliminates the possibility of transmission, the Times reported.
- “Today California took a major step toward treating HIV as a public health issue, instead of treating people living with HIV as criminals,” Wiener said in a statement, the paper said. “HIV should be treated like all other serious infectious diseases, and that’s what SB 239 does.”
- Wiener added that in the past, those possibly infected by HIV may have avoided getting tested so as not to be charged with a felony. Now, with the penalty lowered, he said more people may decide to get tested, the paper reported.
- “We are going to end new HIV infections, and we will do so not by threatening people with state prison time, but rather by getting people to test and providing them access to care,” Wiener added, the Times said.
- Bill supporters also said intent to transmit HIV had been required for a felony, but others noted prosecuted cases that involved no physical contact, so it was argued intent was lacking, the paper said.
- Backers of the legislation also said female prostitutes are disproportionately targeted with criminal charges, the Times added, even when HIV isn’t transmitted.

What do opponents of the bill say?

- Opponents said the bill puts the public at risk.
- “I’m of the mind that if you purposefully inflict another with a disease that alters their lifestyle the rest of their life, puts them on a regimen of medications to maintain any kind of normalcy, it should be a felony,” Sen. Joel Anderson (R) argued during a floor debate, the Times said. “It’s absolutely crazy to me that we should go light on this.”
- Anderson noted that the answer could be extending tougher penalties to those who expose others to other infectious diseases, the paper added.
- Sen. Jeff Stone (R) voted against the bill and took exception to the claim that today’s medicine can nearly eliminate HIV from spreading, CNN said. Stone — who’s also a pharmacist — said three of four Americans on prescription medication don’t comply with doctor’s orders on how to take it.
- “If you don’t take your AIDS medications and you allow for some virus to duplicate and show a presence, then you are able to transmit that disease to an unknowing partner,” Stone said on the Senate floor, the network noted.