

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1165 (Senator Lewis Young)
Judicial Proceedings

Public Health - Prohibition on Transfer of Human Immunodeficiency Virus -
Repeal

This bill repeals the misdemeanor prohibition against and associated penalty for knowingly transferring or attempting to transfer HIV to another.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect governmental operations or finances, including the work of the District Court.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law: An individual who has HIV may not knowingly transfer or attempt to transfer HIV to another individual. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to a maximum penalty of three years imprisonment and/or a fine of up to \$2,500.

Additional Comments: The Judiciary advises that, from fiscal 2000 through fiscal 2020, there were a total of 146 charges and 14 convictions for knowingly transferring or attempting to transfer HIV across both District and circuit courts in the State. While the offense has been charged six times in the District Court over the last three fiscal years (two in 2021, four in 2022, and zero in 2023), there were zero convictions during this time period.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 287 of 2023 and SB 547 of 2022.

Designated Cross File: HB 485 (Delegate Fair, *et al.*) - Judiciary.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 21, 2024
js/jc

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