



Black Men Make Up Almost Half of HIV Crime Cases in Mississippi

At least 43 people in Mississippi were arrested for HIV-related crimes between 2004 and 2021, the Williams Institute reports.

March 7, 2024 By Laura Schmidt

Black men make up about 47% of HIV-related arrests in [Mississippi](#), according to “Enforcement of HIV Criminalization in Mississippi,” a [new report by the Williams Institute](#) at UCLA Law School.

The Williams Institute, a research center on sexual orientation and gender identity laws, has released a [series of reports](#) documenting the impact of state [HIV](#) criminalization laws. Notably, “Enforcement of HIV Criminalization” found that [Black people constituted 82% of HIV crime cases in Maryland](#) despite making up 30% of the state’s population.

In its latest report, researchers found that Mississippi’s HIV-related criminal laws disproportionately impact men, who make up about half of Mississippi’s population, 71% of people living with HIV and 72% of HIV-related arrests. Black men, who constitute 18% of the state’s population and half of people living with HIV, account for about 47% of HIV-related arrests.

In contrast, white Mississippians made up 56% of the state’s population, 19% of people living with HIV and 37% of HIV-related arrests.

[HIV criminalization](#) refers to the use of unfair laws to target people who have HIV—notably, [African-American](#), [Latino](#) and [LGBTQ](#) people and [women](#)—and punish them because of their HIV status, not because of their actions. Under outdated laws, people with HIV can be sentenced to prison in cases where HIV was not transmitted and their only crime was allegedly not disclosing their status.

Many HIV laws were passed in the early days of the epidemic, when fear and lack of scientific knowledge about the virus reigned. Fast-forward four decades, and today we know, for instance, that people with HIV who take their meds and maintain an [undetectable viral load](#) do not transmit the virus sexually, a fact referred to as Undetectable Equals Untransmittable, or [U=U](#).

“HIV criminal laws perpetuate stigma and can discourage testing and treatment,” said Brad Sears, founding executive director at the Williams Institute and coauthor of the Mississippi report. “That’s

why many national and state organizations, including the American Medical Association, have called for a repeal of these laws.”

Using data from the Mississippi Department of Public Safety, the report found that HIV criminal laws are primarily enforced around the state’s capital and most populous city, Jackson, and near the Gulf Coast.

Mississippi currently has two HIV criminal laws. The “knowing exposure” law, which is punishable by up to 10 years in prison and/or a \$10,000 fine, declares it a felony to knowingly expose another person to HIV, hepatitis B or hepatitis C.

The state’s “endangerment by bodily substance” law makes it a misdemeanor to expose or attempt to expose anyone at a correctional facility to bodily fluids. If someone knows their HIV or hepatitis status, the crime becomes a felony punishable by three to 10 years in prison and/or a \$10,000 fine.

“Mississippi’s criminal laws do not require the actual transmission of HIV, the intent to transmit or even conduct that can lead to the transmission of HIV,” said Nathan Cisneros, the report’s lead author and the HIV criminalization project director at the Williams Institute. “We now have medical treatments that wholly eliminate the risk of transmitting HIV through sex, yet these advances are not reflected in Mississippi’s laws.”

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