



Justice Department Sues Tennessee for Enforcing State Law that Discriminates Against People with HIV

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The Justice Department filed a [lawsuit](#) (PDF, 223KB) [on February 16, 2024] against the State of Tennessee and the Tennessee Bureau of Investigation (TBI) for violating the Americans with Disabilities Act (ADA). The department previously [notified](#) Tennessee and the TBI that they violated the ADA by enforcing the state’s aggravated prostitution statute against people living with human immunodeficiency virus (HIV). That [letter](#) of findings detailed the minimum remedial measures necessary to address the discrimination.

“The enforcement of state criminal laws that treat people differently based on HIV status alone and that are not based on actual risks of harm, discriminate against people living with HIV,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “People living with HIV should not be subjected to a different system of justice based on outdated science and misguided assumptions. This lawsuit reflects the Justice Department’s commitment to ensuring that people living with HIV are not targeted because of their disability.”

The department’s investigation found that the state and TBI subject people living with HIV to harsher criminal penalties solely because of their HIV status, violating Title II of the ADA. Tennessee’s aggravated prostitution statute elevates what would otherwise be misdemeanor conduct to a felony because the individual has HIV, regardless of any actual risk of harm. A person convicted of aggravated prostitution faces three to 15 years in prison and a fine up to \$10,000, while a person convicted of a misdemeanor charge based on the same conduct is subject to a penalty of no more than six months in prison and up to a \$500 fine.

Aggravated prostitution is also categorized as a “violent sexual offense” mandating registration by those convicted on the Tennessee Sex Offender Registry, in most cases for life. The state maintains the registry through the TBI. Individuals placed on the registry due to convictions for aggravated prostitution are restricted in where they may live, work and go in public, and have

experienced increased homelessness and unemployment. These individuals also face public disclosure of information about their HIV status, which can lead to harassment and discrimination. For example, the complaint identifies one person who has struggled to find safe housing that complies with the registry's requirements and has experienced periods of homelessness, has been denied employment because she is on the registry, and is prevented from spending time alone with her nephew because of her conviction.

The Justice Department plays a central role in advancing the ADA's goals of equal opportunity, full participation, independent living and economic self-sufficiency for people with disabilities. For more information on the Civil Rights Division, please visit www.justice.gov/crt. For more information on the ADA, please call the department's toll-free ADA Information Line at 1-800-514-0301 (TTY 1-833-610-1264) or visit www.ada.gov.

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