



**WHEN SEX IS A CRIME AND SPIT IS A DANGEROUS WEAPON:
A Teleconference on HIV Criminal Laws**

Sponsoring organizations: The ABA AIDS Coordinating Committee, The Center for HIV Law and Policy, and The National Association of Criminal Defense Lawyers.

Audience: Criminal defense lawyers, service providers in the legal, medical and social work communities and people living with HIV

Format: Interactive--speaker presentations followed by audience Q and A

Date and Time: May 5, 2016 from 10:30 to 11:30 a.m. ET

HOW TO PARTICIPATE:

There is NO COST to participate.

The morning of the event simply dial the Conference Call number 1 (877) 317-0419 and enter Access Code 2244415.

To be sent the documents that will be referenced during the Teleconference please send your e-mail address to idominguez@nacdl.org or anichol@hivlawandpolicy.org

Summary: Thirty-four U.S. states and territories have criminal statutes that allow prosecutions for allegations of non-disclosure, exposure and (although not required) transmission of the HIV virus. Prosecutions have occurred in at least 39 states under HIV-specific criminal laws or general criminal laws. Most of these laws treat HIV exposure as a felony, and people convicted under these laws are serving sentences as long as 30 years or more. Learn from experts about these laws and how to defend against them.

Opening Remarks: **Norman L. Reimer, Executive Director of the National Association of Criminal Defense Lawyers (NACDL).** NACDL is the preeminent organization in the United States advancing the mission of the nation's criminal

defense bar to ensure justice and due process for all and to advocate for rational and humane criminal justice policies. As executive director, Norman Reimer leads a professional staff based in Washington, D.C. serving NACDL's approximately 9,000 direct members and 90 local, state and international affiliate organizations with up to 40,000 members.

Moderator: Richard A. Wilson, Chair ABA AIDS Coordinating Committee.

The AIDS Coordinating Committee stands as the core of the ABA's response to the HIV/AIDS Pandemic developing HIV/AIDS-related policies and, upon their adoption, advancing those policies through ABA-sponsored programs and projects. Richard Wilson is a recognized family law expert, with particular expertise in same sex relationships, and is an adjunct lecturer at University of Michigan Law School.

Presentations by the Co-Executive Director and Deputy Director of The Center for HIV Law and Policy. The Center for HIV Law and Policy (CHLP) is a national legal resource and strategy center working to reduce the impact of HIV on marginalized communities, and a national leader on HIV criminal law reform and modernization at the federal and state level. CHLP provides case assistance to attorneys representing defendants charged with statutory violations of HIV transmission and exposure, and maintains an extensive collection of free, online materials to support legal advocacy across the country in its [HIV Policy Resource Bank](#), including hundreds of materials on the criminal law treatment of HIV.

Presentation One

Department of Justice Civil Rights Division's *Guide to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors* by Allison Nichol, CHLP Co-Executive Director.

In May 2013 the United States Department of Justice, Civil Rights Division (CRD) issued guidance on how to reform HIV-specific criminal laws to bring them into alignment with current science, from actual routes and risks of transmission to the transformation of HIV treatment and prevention with the development of highly effective antiretroviral therapy (ART).

Allison Nichol, Co-Executive Director CHLP, came to CHLP after twenty-one years with the Department of Justice (DOJ), where she was Deputy Chief, and then Chief, of the Disability Rights Section of the Civil Rights Division. At the DOJ she was counsel in *Bragdon v. Abbott*, and oversaw litigation, policy, regulatory and technical assistance development related to the Americans with Disabilities Act.

She was a founder and long-time member of the Division's GLBTQI Working Group and was a 2002 recipient of the James R. Douglas Award from DOJ Pride for her work on behalf of those with HIV. In 2012, as Special Counsel for Disability Resources in the Office of the Associate Attorney General, she oversaw efforts under Executive Order 13548 to increase the hiring, retention and accommodation of individuals with disabilities within the DOJ. Also in 2012, she received the Attorney General's Award for Equal Employment Opportunity, the Department's highest award for performance in support of the Department's Equal Employment Opportunity program. As the DOJ's long-time expert on HIV law and policy, she represented the Department on the federal working groups the National Strategy on HIV/AIDS and the Intersection of HIV/AIDS, Violence against Women, and Girls and Gender-Related Health Disparities. She is the author of the U.S. Department of Justice Civil Rights Division *Best Practices Guide to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors* and the co-author of *Prevalence and Public Health Implications of State Laws that Criminalize Potential HIV Exposure in the United States*. She is a nationally known lecturer on the ADA and HIV/AIDS law and policy, and an adjunct Professor of Law at the Georgetown University Law Center where she has taught disability discrimination law for more than ten years. In 2016 she was a recipient of the Alexander D. Forger Award from the American Bar Association AIDS Coordinating Committee for her distinguished career advancing and protecting the civil rights of individuals with HIV and those at risk for acquiring it.

Presentation Two

Defending Against HIV State Law Prosecutions by Mayo Schreiber, CHLP Deputy Director.

Two recent cases in which CHLP participated, one in Missouri and one in Ohio, will be discussed, along with the HIV criminal statutes in those states. These cases and statutes are illustrative of the fundamental injustice of the statutes as drafted and the punishments provided for violating them. Defense trial and sentencing strategy will be analyzed, including identification of experts and supporting resources, and current thinking on legal challenges to these laws.

Mayo Schreiber, Jr., CHLP Deputy Director, is a federal criminal defense attorney with twenty-five years of experience in private practice. Previously he was a Pro Se Law Clerk at the United States Court of Appeals for the Second Circuit. He was also a Monitor to the Honorable William Wayne Justice, Chief

Judge, United States District Court, Eastern District of Texas, in *Ruiz v. McCotter*, a case involving confinement conditions for all prisoners incarcerated by the state of Texas. He earned his A.B. degree with Honors from Oberlin College and his J.D. from Northeastern University School of Law.