**OUTLINE PANEL TWO HIV CRIM LAW SYMPOSIUM**

**THE CALIFORNIA EXPERIENCE**

Why focus on California?

What were the HIV-based criminal laws in California?

Which of the laws was being prosecuted most frequently? Who was most affected by HIV-based arrests and criminal prosecutions in California?

What is Californians for HIV Criminalization Reform (CHCR) and how did it come into being?

What were its guiding principles?

How did the group ensure the meaningful involvement of people living with HIV and other affected groups?

Which provisions of the HIV-based criminal laws did the group decide to focus on first and why?

How did Senator Wiener and Assemblymember Gloria become the legislative champions of this bill?

What challenges and obstacles to passage of this bill did you foresee? (opportunity to mention polling and lack of support even from within the LGBT community)

What challenges and obstacles did you actually encounter? (anti-vaxxers; losing and regaining HOAC support; Repub./Fox News resistance; CDPH concerns)

What is the law now that SB 239 was signed by the Governor?

What does the new law mean for people living with HIV? for sex workers? for HIV prevention?

How will this new law in California potentially shift things nationwide?

**Resources**


Williams Institute: “HIV Criminalization in California: Penal Implications for People Living with HIV/AIDS”
Denver Principles
AIDS United’s “Meaningful Involvement of People Living with HIV”

Various versions of SB 239

L.A. Times, “Having unprotected sex without telling partner about HIV-positive status no longer would be a felony under new bill” (March 17, 2017)


Californians for HIV Criminalization Reform: “HIV Criminalization Reform: What Does It Mean for Me?”

Modernizing HIV Control Measures in North Carolina—Outline of Presentation

ABA HIV Law & Practice Conference 2018
Panel Two: Current Advocacy Approaches
Carolyn McAllaster
Colin W. Brown Clinical Professor of Law
Director, Duke HIV/AIDS Policy Clinic
Southern HIV/AIDS Strategy Initiative (SASI)
Duke University School of Law

I. HIV-specific laws in the Deep South (AK, AL, FL, GA, LA, MS, NC, SC, TN, TX)
II. Activities that are Criminalized
III. Science of HIV Transmission
   a. Treatment as prevention
   b. PrEP facts
   c. Other
IV. North Carolina HIV Control Measures (pre-January 1, 2018)
   a. Specific provisions
   b. Enforcement/penalties
V. Modernizing North Carolina’s HIV Control Measures
   a. Rule-making strategy
   b. Political landscape in NC
   c. Involvement of People living with HIV
   d. Partnerships/stakeholder input
   e. Work with state public health officials
   f. Consensus building around draft proposed rule
   g. Rule-making process
i. Rule proposed to NC Commission for Public Health
ii. Written comment period
iii. Public hearing for comments
iv. Final meeting of the Commission

VI. North Carolina’s Modernized HIV Control Measures (10A NCAC 41A.0202)
   a. Effective January 1, 2018
   b. Discussion of specific changes to the law.
   c. Next steps

Williams Institute Presentation by Brad Sears

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A national think tank at UCLA Law, The Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media and the public.

Experts at the Institute have authored dozens of public policy studies and law review articles; filed amicus briefs in key court cases; provided expert testimony at legislative hearings; been widely cited in the national media; and trained thousands of lawyers, judges and members of the public.

In 2015, The Williams Institute produced the report HIV Criminalization in California (available here: https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-California-Updated-June-2016.pdf) which detailed who was being prosecuted under California’s HIV Criminal Law. The Report was instrumental in convincing lawmakers to improve and modernize their law.

In January of 2018 Williams published HIV Criminalization in Georgia (available here: https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-Georgia-Jan-2018.pdf)le) this data will be presented in depth as well.