

HR 130 Task Force to Study HIV Criminalization

November 8, 2023

2:00-4:00pm

State Capitol-Committee Room 6

AGENDA

I. Welcome and Call to Order	Julie Fitch, (Proxy) Chair
Meeting called to order at: 2:10 PM	
II. Roll Call	Aisha McKenzie, Staff
A. Dr. Sam Burgess, Chair: Proxy, Julie Fitch (present) B. Dietz (present) C. Roya Boustany: (absent) D. Representative Aimee Adatto Freeman: Proxy, Representative Barbara Freiberg (present) E. Representative Vanessa LaFleur (present) F. Representative Wayne McMahan: Proxy, Representative Larry Bagley (present) Quorum met (5 members present)	
III. Proxy Introductions	Proxies
A. Julie Fitch (proxy chair for Dr. Sam Burgess) B. Representative Barbara Freiberg (proxy for Representative Aimee Adatto Freeman) C. Representative Larry Bagley (proxy for Representative Wayne McMahan)	
IV. Vote to Approve Meeting Minutes from 9/28/23	Julie Fitch, (Proxy) Chair
A. Representative LaFleur motioned to vote to approve meeting minutes from 9/28/23, Dietz seconded. B. No additions or changes requested. C. Consensus vote: minutes from 9/28/23 unanimously accepted.	
V. Nominated New Member Introductions	Nominees
A. Dr. Joyce Turner Keller (PLWH) – ordained minister, bishop, community advocate, Founder/CEO Trails of Christ Evangelitic Ministries, Founder Positive Diva/Positive Dude Productions. Located in Baton Rouge, LA B. Dr. George Nawas (Governor’s Commission on HIV and HCV Education, Prevention, and Treatment) – Clinical Associate Professor, Xavier University. Clinical Pharmacist specializing in infectious diseases.	
VI. Vote to Accept New Members	Julie Fitch, (Proxy) Chair
A. Representative Freiberg motioned to vote to accept new members, Dietz seconded. B. Dr. Joyce Turner Keller 1. Julie Fitch (proxy for Dr. Sam Burgess): yes 2. Dietz: yes 3. Representative Barbara Freiberg (proxy for Representative Aimee Adatto Freeman): yes! 4. Representative Vanessa LaFleur: yes, yes, yes 5. Representative Larry Bagley (proxy for Representative Wayne McMahan): yes C. Dr. George Nawas 1. Julie Fitch (proxy for Dr. Sam Burgess): yes 2. Dietz: yes 3. Representative Barbara Freiberg (proxy for Representative Aimee Adatto Freeman): “yes!”	

Notes taken by:

Aisha McKenzie

Staff to the HR 130 Task Force

Aisha.McKenzie@la.gov

<p>4. Representative Vanessa LaFleur: “yes, yes, yes, go HBCU!”</p> <p>5. Representative Larry Bagley (proxy for Representative Wayne McMahan): yes</p> <p>D. Unanimous vote to add both Dr. Joyce Turner Keller and Dr. George Nawas as members of the Task Force.</p>	
<p>VII. Vote on Data Collection Request</p>	<p>Julie Fitch, (Proxy) Chair</p>
<p>A. Julie Fitch explained that there is a request for LCCH and such community organizations to collect data on behalf of the HR 130 Task Force.</p> <p>B. Representative LaFleur motioned to vote on such organizations collecting data on behalf of the HR 130 Task Force, Representative Freiberg seconded.</p> <ol style="list-style-type: none"> 1. Julie Fitch (proxy for Dr. Sam Burgess): yes 2. Dietz: yes 3. Representative Barbara Freiberg (proxy for Representative Aimee Adatto Freeman): yes 4. Representative Vanessa LaFleur: yes 5. Representative Larry Bagley (proxy for Representative Wayne McMahan): yes 6. Dr. Nawas: yes 7. Dr. Turner Keller: yes <p>C. Unanimous vote to allow organizations to collect related data on behalf of the HR 130 Task Force.</p>	
<p>VIII. Review of Current HIV Criminalization Legislation</p>	
<p>A. Julie Fitch offered a presentation containing the text of LRS 14:43.5 broken up into slides, offering time to discuss the current HIV criminalization statute section-by-section.</p>	
<p>IX. Task Force Discussion of Current Legislation</p>	
<p>A. Topics for requested for future examination/discussion:</p> <ol style="list-style-type: none"> 1. What does it mean to “intentionally expose” a person to HIV? 2. How do you define or interpret what “intent” is, and how do you determine that in a case? 3. Replacing use of the language “infected person” (and any other stigmatizing language, in favor of medically appropriate terms) 4. How is disclosure proven? How is consent proven? 5. The vagueness of “sexual contact” as language considering the list of behaviors that could be defined as “sexual contact” that carry zero risk of HIV transmission. 6. Transmission vs. exposure and the concern that the alleged victim could be a Person Living With HIV prior to every having contact with the alleged perpetrator. 7. Disclosure might be impossible in a situation with a first responder – 8. Criminalization laws and modernization in other states, along with penalties 9. Sex offender registry status as penalty (tier one sexual offense, 15 years on the registry in Louisiana) 10. Affirmative defense and public disclosure of a personal health status 11. Definition of “took practical measures” 12. False accusations 13. How do other states define “intentional exposure” 14. Racial disparity in application/prosecution of statute in comparison to public health statistics 	
<p>X. General Public Comment</p>	
<p>A. Travis Manint of Pearl River (St. Tammany Parish) expressed concern about how the current statute might affect PLWH, given assumed criminal intent of even those who have a zero percent chance of transmitting HIV. He encouraged modernization to a more scientifically informed law, reminding the Task Force that this statute presumes guilt until proven innocent and that no other terminal transmissible diseases are criminalized.</p> <p>B. Austin Matthews of Baton Rouge, the former Chair of the Governor’s Commission on HIV and Hepatitis C Education, Prevention, and treatment explained that he helped to draft the changes to this statute in 2018. He expressed a desire for a design where the charge could not progress to legal prosecution in the case of the affirmative defenses mentioned in statute, as well as noting that “exposure” and transmission need to be</p>	

examined. He asked the Task Force to consider how many HIV transmissions are being prevented with this statute versus how many are being caused. He agreed that intentional transmission is absolutely a bad thing, and pointed out that there are several other laws under which that could be prosecuted. Lastly, he pointed out that this statute creates large barriers in prevention efforts (a significant barrier to getting individuals tested and a large structural barrier to getting doctors to do testing in clinics because they don't want to deal with the legal ramifications of criminalization).

C. Closing comments from Dietz, Dr. Nawas, and Dr. Turner Keller thanking the public comments.

Closing comments from the Task Force (Dietz, Dr. Nawas, Dr. Turner Keller)

XI. Adjournment: 3:38 PM	Julie Fitch, (Proxy) Chair
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A. Dietz motioned to adjourn, Representative LaFleur seconded. No opposition.

B. Meeting adjourned at 3:38 PM

HOUSE WITNESS CARD - AFFIRMATION * INFORMATION ONLY

Committee: Task Force to Study HIV Date: 11/08/23
 Regarding: HB No. 130 HCR No. _____ HR No. _____
 SB No. _____ SCR No. _____ Other: _____

CHECK ONE:
 I am present and would like to speak
 I am present and will provide information, if requested

PLEASE PRINT:
 Name: Bishoppe/Dr. Joyce Turner Keller
 Representing: Aspirations
 Address: 3966 Lanier Dr
Baton Rouge, LA 70814
 Primary telephone: (225) 288-8161 Cell: (225) 288-8161
 e-mail address: JoyceTurnerKeller@iCloud.com

I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.

Signature of Witness: _____

HOUSE WITNESS CARD - AFFIRMATION * INFORMATION ONLY

Committee: HR 130 Task Force Date: 11/8/2023
 Regarding: HB No. _____ HCR No. _____ HR No. 130
 SB No. _____ SCR No. _____ Other: _____

CHECK ONE:
 I am present and would like to speak
 I am present and will provide information, if requested

PLEASE PRINT:
 Name: George Nawas
 Representing: Xavier University of Louisiana
 Address: 1 Drexel Dr, New Orleans, LA
70125
 Primary telephone: () _____ Cell: (526) 288-9491
 e-mail address: gnawas@xula.edu

I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.

Signature of Witness: George Nawas

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SB No. _____ SCR No. _____ Other: _____

CHECK ONE:

- I am present and would like to speak
- I am present and will provide information, if requested

PLEASE PRINT:

Name: TRAVIS MANINT
Representing: _____
Address: 1025 FOREST RIDGE LOOP
PEARL RIVER, LA 70452
Primary telephone: () _____ Cell: (985) 788-8890
e-mail address: travis@connectnorthshore.org

I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.

Signature of Witness: [Signature] 1/2018

HOUSE WITNESS CARD - AFFIRMATION * INFORMATION ONLY

Committee: HR 130 TASK FORCE Date: 11/8/23
Regarding: HB No. _____ HCR No. _____ HR No. 130
SB No. _____ SCR No. _____ Other: _____

CHECK ONE:

- I am present and would like to speak
- I am present and will provide information, if requested

PLEASE PRINT:

Name: Aisha Matthews, LCSW
Representing: LA Assn of Clinical Social Workers
Address: + HIV/HCV Commission
Primary telephone: (225) 500-0222 Cell: () _____
e-mail address: austin@hearthstone.clinic

I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.

Signature of Witness: [Signature] 1/2018