

During the last session when Representative Dobervich brought this bill forward, the stated opposition against this bill was primarily the concern regarding folks who might *intentionally* transmit HIV. However, as stated in previous sessions, there are already laws in place that could be used to hold any bad actors accountable. According to North Dakota Century Code Chapter:

- **12.1-17-01. Simple assault states:** “A person is guilty of an offense if that person
 - a. Willfully causes bodily injury to another human being.”
- **12.1-17-01.1. Assault states:** “A person is guilty of a class A misdemeanor, except if the victim is under the age of twelve years in which case the offense is a class C felony, if that person:
 - 1. Willfully causes substantial bodily injury to another human being.”
- **12.1-17-02. Aggravated assault states:** “Except as provided in subsection 2, a person is guilty of a class C felony if that person:
 - a. Willfully causes serious bodily injury to another human being
 - b. Knowingly causes bodily injury or substantial bodily injury to another human being with a dangerous weapon or other weapon, the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury;
 - c. Causes bodily injury or substantial bodily injury to another human being while attempting to inflict serious bodily injury on any human being; or
 - d. Fires a firearm or hurls a destructive device at another human being”
- **12.1-17-03. Reckless endangerment states:** A person is guilty of an offense if he creates a substantial risk of serious bodily injury or death to another. The offense is a class C felony if the circumstances manifest his extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized.”
- **12.1-06-01. Criminal attempt states:**
 - 1. “A person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of a crime, he intentionally engages in conduct which, in fact, constitutes a substantial step toward commission of the crime. A "substantial step" is any conduct which is strongly corroborative of the firmness of the actor's intent to complete the commission of the crime. Factual or legal impossibility of committing the crime is not a defense, if the crime could have been committed had the attendant circumstances been as the actor believed them to be.”

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Do Pass HB 1217

Chair Ruby and members of the Human Services committee,

I am a mental health therapist licensed in both North Dakota and Minnesota. My clinic works directly with the North Dakota Ryan White program to provide mental health services to North Dakotans living with HIV. It is with them in mind that I implore you to vote DO PASS on HB 1217. Passing this bill will reduce redundancy in the North Dakota Century code, reduce HIV stigma, and ultimately help support President Trump's goal of ending the HIV epidemic by 2030.

Public Health

People have told me they chose not to be tested and therefore treated with lifesaving and life extending medications, because the stigma of being a person living with HIV was worse. Which is why section 12.1-20-17 is so harmful to public health. People are afraid to get tested, as knowing your status in North Dakota carries the threat of 20 years in prison and a \$10,000 fine. To end the HIV epidemic, everyone living with HIV *must* be tested and treated. This is the only way to stop transmission.

Redundancy

Reviewing past testimony regarding bills like HB 1217, legislators appear most concerned about holding accountable anyone who *intentionally* spreads the virus. However, there are several other statutes that could serve in lieu of this section, which I provided for easy reference. Therefore, eliminating this section is not only prudent for efficiency but also to mitigate the harm it creates.

Stigma

By failing to broadly educate people about the evolution of our understanding and ability to treat HIV, we have stagnated our collective consciousness in the trauma of the 80s AIDS epidemic. This is the driving force behind HIV stigma. HIV is now considered a long-term manageable disease, much like diabetes. Medical advancements mean people living with HIV can have healthy sexual relationships without putting their partners at risk. And yet, every person living with HIV with whom I've worked has been deeply impacted by HIV stigma.

Rejection faced while trying to date is a frequent topic of discussion. Regardless of viral load, upfront disclosure results in dismissal before the first word is ever spoken. A sentiment echoed in last session's testimony, when a committee member stated he didn't care about viral suppression, folks should be required to disclose their status.

I worked with a straight cisgender widowed woman living with HIV. In addition to processing grief, she was also weighed down by HIV stigma. She was not open about her status to many in her own family, let

alone friends, despite being diagnosed several years prior and never failing to take her medications as directed. Maintaining a positive attitude about other health issues was no problem for her. However, HIV stigma kept her stuck in a toxic relationship, because she did not believe anyone else could love her. She felt ashamed, unworthy, and stuck, despite raising healthy productive children, being active in her church, and volunteering in her community.

One program participant often talks about the culture shock experienced when he moved here from a major metropolitan area. Where he once had a vibrant social life, he now experiences tremendous isolation. He has heard his neighbors' derogatory comments about HIV and does not feel safe in his own apartment building.

Stigma leads to worsened mental and physical outcomes, which further impedes ending transmission. However, you can support our neighbors, reduce redundancy, and support public health. I hope we can count on your support to vote **DO PASS on HB 1217**.