Research Protocol for HIV Criminalization Laws

Prepared by LawAtlas Legal Team
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HIV Criminalization Laws

I. **Scope:** Compile state laws criminalizing exposure to HIV/AIDS.

II. **Primary Data Collection**

   a. Students #1 and #2 are each assigned half of the states and D.C. alphabetically (Alabama to Mississippi and Missouri to Wyoming).

   b. Each student compiles statutes that criminalize exposure to HIV/AIDS by searching individual states in the collection of state statutes using the following syntax and search terms:

   (HIV or AIDS or “immune deficiency” or virus) AND (crim! or felony or misdemeanor or punishable)

   c. The student then scans the results for laws criminalizing HIV status. These are downloaded into folders organized by state. Laws are excluded if they do not impose some criminal penalty on an HIV+ person, or enhance a criminal penalty being imposed on such a person.

III. **Quality Control**

   a. After searching across all 25 states, each student compares their results to publically available information on state HIV criminalization laws to see if their results are consistent. Public information includes that available at the Kaiser Family Foundation website and the manual, *Ending and Defending Against HIV Criminalization: State and Federal Laws and Prosecutions*, published by the Positive Justice Project of the Center for HIV Law and Policy and information in law review articles published on HIV criminalization. Discrepancies are resolved by further research to determine which source is correct. If a law is found that was not located in our initial search, we reexamine and accordingly alter our search terms.

IV. **Coding**

   a. Students and the study PI create a set of variables for coding of state HIV criminalization statutes.
b. Student #1 codes each of the statutes across all of the variables. Student #2 double-checks the coding. PI and Student #3 check consistency of coding and resolve inconsistencies.

V. LawAtlas Data Combination

a. Student #3 and PI combine coded statutory data with data from separate dataset on HIV Criminalization State Appellate Cases to create LawAtlas dataset reflecting information from both statutory and case-law sources. This step involves some re-coding of statutory data for consistency in display with data imported from Case Law dataset.