



Physicians Caring for Texans

House Committee on Criminal Jurisprudence
House Bill 369 by Rep. Tom Craddick
Texas Medical Association
April 12, 2021

Madame Chair Collier and committee members:

The Texas Medical Association and its more than 55,000 physician and medical student members appreciate the opportunity to share medical perspectives relating to the public health considerations for House Bill 369 and to testify on the bill.

Regardless of the role a communicable disease may play, aggravated assault is a serious crime that deserves a thorough investigation. While it's understandable that an assault involving an individual with a communicable disease may trigger immediate public health actions, such as administering postexposure prophylaxis to limit the spread of the disease, these actions would be necessary irrespective of the criminality of the event and are usually most effective soon after transmission occurs.

It is our understanding that the proposed amendment would have no bearing on the severity of the charge or sentence. The legislation extends the statute of limitations from three to five years, based on the participant having a communicable disease, to ensure a reasonable investigation can occur. However, depending on the transmissibility and prevalence of the disease in the community at the time of the assault, it may be impossible to determine whether the assault was the point of transmission. Additionally, the statute of limitations for sexual assault, which would cover any instances of a sexually transmitted disease during an assault, is already set at 10 years.^{1,2}

Another concern is the bill possibly conveying the impression that having a communicable disease plays a role in the consequent charge for the crime. It could be perceived that individuals would benefit from not knowing their infectious disease status and that knowing they were infected with a communicable disease at the time of an assault could affect their liability. The Centers for Disease Control and Prevention reports that state laws on HIV-specific criminal exposure have been shown to discourage HIV testing, increase stigma, and exacerbate disparities.³ Individuals seeking out timely testing if they feel they may have a communicable disease is essential to public health efforts to control and prevent disease outbreaks. Additionally, the legislation could exacerbate stigma attached to HIV as a deadly disease spread easily through superficial contact, when in fact it is now completely treatable with little to no risk to others when medically treated.

Thank you for the opportunity to provide testimony today on HB 369. We appreciate being able to highlight some potential points of caution for this bill so that public health efforts to prevent the spread of disease can be protected. For any questions or follow-up, please contact Troy Alexander, director, TMA Legislative Affairs, at troy.alexander@texmed.org.

¹ Texas Code of Criminal Procedures §12.01(2)(e)

² Texas Penal Code §22.011

³ Centers for Disease Control and Prevention (CDC), [HIV and STD Criminalization Laws](#).