

June 11, 2018

The Honorable Kate Brown
900 Court Street NE
Salem, Oregon 97301

Re: Timothy Hinkhouse Clemency Request & Review of Oregon STI/HIV Sentence Enhancement Statutes

Dear Governor Brown:

On behalf of Cascade AIDS Project, the oldest and largest community-based provider of HIV services, housing, education and advocacy in Oregon, I write to encourage you to consider commuting the sentence of Oregon Correctional Inmate Timothy Hinkhouse who was sentenced to 70 years in prison in 1994 for failing to disclose his HIV status. Without debating the merits of Mr. Hinkhouse's underlying case, it cannot be doubted that he received an unusually long and severe sentence for reasons which can likely be attributed to fear, ignorance, and stigma related to HIV status.

Although Oregon does not have an HIV-specific criminal law, sexually transmitted infections, including HIV, can be treated as an aggravating factor in sentencing determinations following a sexual assault conviction as was done in Mr. Hinkhouse's case. We urge you to review both Mr. Hinkhouse's case and the underlying laws which drove the severity of his sentence. Many HIV disclosure laws were enacted in the 1980s during a climate of fear and uncertainty about the course of the epidemic, before transmission routes were understood and effective prevention strategies (such as anti-retroviral therapy (ART), post-exposure prophylaxis (PEP), pre-exposure prophylaxis (PrEP)) were available.

Moreover, in recent years, numerous medical associations, legal associations, advisory councils, and government agencies have called for the modernization of these statutes. Supporting organizations include:

- the Presidential Advisory Council on HIV/AIDS (PACHA) ([Resolution on Ending Federal and State HIV-Specific Criminal Laws, Prosecutions, and Civil Commitments](#) (2013));
- the U.S. Department of Justice ([Best Practices Guide to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors](#) (2014));
- the National Association of Criminal Defense Lawyers (NACDL) ([Resolution of the Board of Directors of the NACDL Concerning HIV Criminalization](#) (2016));
- the American Medical Association (AMA) ([Modernization of HIV Specific Criminal Laws](#) (2014));
- the Association of Nurses in AIDS Care (ANAC) ([HIV Criminalization Laws and Policies Promote Discrimination and Must Be Reformed](#) (2014));
- Infectious Diseases of America (IDSA) and HIV Medicine Association (HIVMA) ([Position on the Criminalization of HIV, Sexually Transmitted Infections and Other Communicable Diseases](#) (2015));
- American Academy of HIV Medicine (AAHIVM) ([Policy Position Statement on HIV Criminalization](#) (2015));
- American Psychological Association (APA) ([Resolution Opposing HIV Criminalization](#) (2016)).

As you know, CAP supports non-punitive prevention approaches to HIV centered on current scientific understanding and evidence based research. Oregon's current statutes do not meet this standard. We encourage you to review all sentences issued under these outdated laws, including Mr. Hinkhouse's, and intervene where appropriate.

Should you have any questions or need additional information about this issue, please feel free to contact me directly.

Respectfully,

Peter Parisot
Deputy Executive Director, Cascade AIDS Project
pparisot@cascadeaids.org
503-278-3850