

Senate Bill 180 — Indiana HIV Modernization Amendment

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Topic: Correction of Duplicate Criminal Code & Penalty Discrepancy

Session: 2026 — *Scan the QR code to follow the bill*




What Senate Bill 180, Section 2 Does (Purpose & Action)

SB180. section 2 makes a **technical correction** to Indiana law by:

- Repealing a duplicate HIV-related felony statute in the Health Code (**IC 16-41-14-17**).
- Clarifying that the governing criminal statute remains in the Criminal Code (**IC 35-45-21-1**).
- Resolving a penalty discrepancy between the two overlapping provisions.

The bill **does not create or change any crimes or penalties** — it improves clarity and consistency in Indiana law while leaving the operative criminal statute intact.

 **Current Law:** Two Indiana Code sections cover the same conduct — donating, selling, or transferring semen for artificial insemination while living with HIV:

- [IC 16-41-14-17](#) (Title 16 — Health Code)
- [IC 35-45-21-1](#) (Title 35 — Criminal Code)

Title 16 contains a **duplicate statute**, and the two provisions use **different penalty enhancements** when transmission occurs. Title 35 is the appropriate and long-standing location for criminal penalties.

Why this Correction Matters

SB 180 resolves conflicting statutory guidance:ⁱ

- Title 16 lists transmission enhancement as a **Level 4 felony**.
- Title 35 lists it as a **Level 3 felony**.

Legal review (see QR code report) found:

- No prosecutions under the Title 16 provision.
- No known cases involving the artificial insemination section.
- The operative statute has always functioned under **Title 35**.



SB 180 **restores statutory clarity and consistency** while **maintaining all public safety** protections.

Alignment with HIV Modernization Work

SB180 supports broader efforts to:

- Modernize outdated HIV-related statutes.
- Align law with current medical science.
- Promote clarity and fairness in enforcement.

ⁱ During the major revision of Indiana’s criminal code (HEA 1006-2013) —which added IC 35-45-21-1 as a new statute, effective July 1, 2014—an oversight occurred which resulted in this discrepancy. Before the revision both IC 16-41-14-17 and IC 35-42-1-7, which was replaced by IC35-45-21-1 and contained almost identical wording, provided the same punishments for both the initial act and for if transmission occurred.