

HIV Testing

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State	Which criminal convictions trigger a sex offender being tested for HIV/AIDS?	Is testing required, and/or available upon victim request?	When does testing occur?	Who can see test results?	Statutory citation(s):
Alabama	<ul style="list-style-type: none"> Rape, sodomy, sexual misconduct, sexual torture, sexual abuse, assault by bodily fluids or any other crime in which the victim was compelled to engage in sexual activity by force or threat of force, and it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved. 	<ul style="list-style-type: none"> Testing of a defendant charged with the crime of rape, sodomy, sexual misconduct, sexual torture, sexual abuse or any other crime in which the victim was compelled to engage in sexual activity by force or threat of force is available upon the request of the victim or the parent or guardian of a minor victim. Testing is required for all persons sentenced to confinement or imprisonment in any city or county jail, or state correctional facility for 30 or more consecutive days, regardless of what offense they may have committed. 	<ul style="list-style-type: none"> Upon the request of the victim or the parent or guardian of a minor victim, the district attorney is required to file a motion with the court for an order requiring the defendant to submit to a test for any sexually transmitted disease. The court shall then determine if there is probable cause to believe that: <ul style="list-style-type: none"> the crime of rape, sodomy, sexual misconduct, sexual torture, sexual abuse or any other crime in which the victim was compelled to engage in sexual activity by force or threat of force was committed; and the transmission of body fluids was involved. All persons sentenced to confinement or imprisonment in any city or county jail, or state correctional facility for 30 or more consecutive days are tested for those sexually transmitted diseases designated by the State Board of Health upon entering the facility, regardless of what offense they may have committed. <ul style="list-style-type: none"> The results of the test are available post-conviction. If a warrant, information or indictment has been issued and the defendant is in custody or has been served with the warrant, information or indictment, the test shall be performed within 48 hours of service of the court order requiring the defendant to submit to testing. 	<ul style="list-style-type: none"> The information is available only to the victim, the parent or guardian of a minor victim, the attending physician of the victim, and the person tested. A victim of a "sexual offense" may request the results of any tests for the presence of HIV/AIDS taken by the defendant convicted of such "sexual offense." <ul style="list-style-type: none"> Requests by the victim must be made in writing to the Alabama Department of Public Health. Requests must include the victim's name and address, the Circuit court case number, and the date and location of conviction. Upon receipt of the request, the Alabama Department of Public Health will verify the nature of the sexual offense, place of incarceration, etc., and will request that the Alabama Department of Corrections or the city/county jail offices provide the results of the testing to the victim. 	Code of Ala. §§ 13A-6-60 to 67, 15-23-100 to 104, 22-11A-17, 22-11A-24, 22-11A-37; Ala. Admin. Code r. 420-4-1-.08.
Alaska	<ul style="list-style-type: none"> A criminal complaint, indictment, presentment or information filed with a magistrate or court (or with respect to a minor, a juvenile court) alleging sexual assault (in the first, second, third, or fourth degree), sexual abuse of a minor (in the first, second, third, or fourth degree), or incest, where "sexual penetration" is an element of the crime. <ul style="list-style-type: none"> "Sexual penetration" means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body; each party to any of the acts described in this subparagraph is considered to be engaged in sexual penetration. 	<ul style="list-style-type: none"> A defendant charged with a sexual offense where sexual penetration was an element of the offense may be ordered by the court to submit to testing. An alleged victim, the parent or guardian of an alleged victim who is a minor or incompetent, or the prosecuting attorney on behalf of an alleged victim, may petition the court for an order for testing. If the court determines that probable cause exists to believe (i) a crime for which testing may be ordered was committed and (ii) sexual penetration took place between the defendant and the alleged victim in the alleged crime, the court will order testing. 	<ul style="list-style-type: none"> Upon receipt of a petition by an alleged victim, the parent or guardian of an alleged victim who is a minor or incompetent, or the prosecuting attorney on behalf of an alleged victim, the court shall determine if probable cause exists to believe that: <ul style="list-style-type: none"> a crime for which testing may be ordered was committed; and sexual penetration took place in the alleged crime. If the court finds probable cause exists, the court shall order the defendant to produce blood samples for testing. A court may not order testing: <ul style="list-style-type: none"> before 7 days after the defendant's or minor's arrest; after the entry of a disposition favorable to the defendant, which means an adjudication by a court other than a conviction, or if the defendant is a minor not being prosecuted as an adult, that the minor is not adjudicated delinquent or a child in need of aid, for an offense for which a blood 	<ul style="list-style-type: none"> The results of the test are disclosed to the defendant or minor, each requesting victim, the victim's designee or, if the victim is a minor or incompetent, the victim's parents or legal guardian. If the defendant or minor is being incarcerated or detained at the time of the blood test or thereafter, the blood test results shall be provided to the officer in charge and the chief medical officer of the facility in which the defendant or minor is incarcerated or detained. Copies of test results that indicate exposure to or infection by HIV or other sexually transmitted diseases shall also be transmitted to the department. 	Alaska Stat. §§ 11.41.410 to 450, 11.81.900, 18.15.300 to 320.

			<p>test could be ordered under the statute; or</p> <ul style="list-style-type: none"> •if the defendant is convicted or adjudicated delinquent or in need of aid, after 90 days after the issuance of the judgment and sentence or of the judgment in a juvenile action. 		
Arizona	<ul style="list-style-type: none"> • A "sexual offense" or another offense involving "significant exposure." • "Sexual offense" means: <ul style="list-style-type: none"> •oral contact with the penis, vulva or anus; •any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact; or •penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva. • "Significant exposure" means contact of the victim's ruptured or broken skin or mucous membranes with a person's blood or body fluids, other than tears, saliva or perspiration, of a magnitude that the centers for disease control have epidemiologically demonstrated can result in transmission of the human immunodeficiency virus. 	<ul style="list-style-type: none"> •The testing is available at the request of a victim or, if the victim is a minor, by the parent or guardian of the victim, on a court order requiring the defendant to submit to testing and to consent to the release of the test results to the victim. 	<ul style="list-style-type: none"> •Upon receipt of a request of a victim or, if the victim is a minor, by the parent or guardian of the victim: <ul style="list-style-type: none"> •If the allegation is a sexual offense, the court will order testing upon a petition by the prosecuting attorney at the request of the victim or, if the victim is a minor, of the parent or guardian of the victim. •If the allegation is an offense (other than a sexual offense) involving "significant exposure," the court must first make a finding, within 10 days of being petitioned, that sufficient evidence exists to indicate that significant exposure occurred, and then will order the testing. 	<ul style="list-style-type: none"> •The results of the test are provided to the victim, the victim's parents or guardians if the victim is a minor, the person tested and the Department of Health Services. 	AZ Rev. Stat. §§ 8-341; 13-1401; 13-1415, 36-664, 666-68; Ariz. Admin Code §R9-6-1104.
Arkansas	<ul style="list-style-type: none"> •Rape, felony sexual indecency with a child, sexual assault (in the first, second, third or fourth degree), incest, and/or prostitution. 	<ul style="list-style-type: none"> •Testing is available at the request of a victim if: <ul style="list-style-type: none"> •a person has been arrested and charged with an applicable crime, regardless of whether or not he or she is in custody, and •the defendant is convicted. 	<ul style="list-style-type: none"> •Testing may be ordered at the time of arrest and charging upon a court's finding of reasonable cause to believe that the person committed the offense, subject to constitutional limitations, unless the court determines that testing would be inappropriate and documents the reason for that determination in the court record. •Upon conviction (including an adjudication under juvenile proceedings), at the victim's request, testing is compulsory. 	<ul style="list-style-type: none"> •The tests results are released to the victim and the defendant, but are otherwise kept confidential. 	A.C.A. §§ 16-82-101; 5-14-103, 110, 124-27; 5-26-202; 5-70-102.
California	<ul style="list-style-type: none"> •Any criminal complaint filed with a magistrate or court (or with respect to a minor, a juvenile court) alleging certain offenses including rape, unlawful sexual intercourse, sodomy, oral copulation and certain other offenses where the court finds there is probable cause to believe that the defendant committed the crime and there is probable cause to believe that blood, semen or any other bodily fluid capable of transmitting HIV has been transferred from the accused to the victim. 	<ul style="list-style-type: none"> •Testing is available upon request of the alleged victim after charging and upon finding by the court of probable cause. •Testing is required upon conviction for a "sexual offense". <ul style="list-style-type: none"> •"Sexual offense" means rape, unlawful intercourse with a person under 18 years of age, sodomy, oral copulation or any of the following offenses if the court finds that there is probable cause to believe that blood, semen, or any other bodily fluid capable of transmitting HIV has been transferred from the 	<ul style="list-style-type: none"> •Prior to conviction, only after finding of probable cause to believe that blood, semen or any other bodily fluid capable of transmitting HIV has been transferred from the accused to the victim. •Post-conviction, the court is required to order that the offender is tested within 180 days of the date of conviction. 	<ul style="list-style-type: none"> •The test results are required to be transmitted by the clerk of the court to the Department of Justice and the local health officer. •The local health officer is responsible for disclosing the test results to the victim who requested the test, and the accused who was tested. If the person subject to the test is a minor, copies of the results shall be sent to the minor's parents or guardians. Positive test results cannot be disclosed to the victim, or to the person tested, without offering or providing professional counseling as appropriate. •Results can also be made available to the prosecuting and/or defending attorney upon request. 	Cal. Pen Code §§ 220, 261, 261.5, 264.1, 266c, 269, 286, 287, 288, 288.5, 289, 289.5, 1202.1, 1524.1; Cal. Health & Safety Code §§ 121055, 121060.1, 121065.

		<p>defendant to the victim: (i) sexual penetration, (ii) aggravated sexual assault of a child, (iii) lewd or lascivious conduct with a child, (iv) continuous sexual abuse of a child, and (v) the attempt to commit any offense described in clauses (i) to (iv), inclusive.</p>			
Colorado	<ul style="list-style-type: none"> Any sexual offense involving sexual penetration. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, analingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime 	<ul style="list-style-type: none"> The court is required to order testing of any adult or juvenile who is indicted or convicted of, or, after a preliminary hearing, bound over for trial for, any sexual offense involving sexual penetration. 	<ul style="list-style-type: none"> Testing occurs subsequent to a preliminary hearing or after having waived the right to a preliminary hearing, or when a defendant is indicted for or is convicted of such offense. 	<ul style="list-style-type: none"> The results of such diagnostic test shall be reported to the court or the court's designee, who shall then disclose the results to any victim of the sexual offense who requests such disclosure. Review and disclosure of the test results is kept closed and confidential. The results are also reported to the district attorney. If the person tests positive for HIV, the district attorney may contact the state department of public health and environment or any county, district or municipal public health agency to determine whether the person had been notified prior to the date of the offense whether he or she tested positive for HIV. If the person had been notified prior to the offense for which they are bound for trial, the district attorney may seek enhanced sentencing (at least the upper limit for the offense, up to the remainder of the person's natural life). 	C.R.S.A. § 18-3-401, 415, 415.5; 25-4-410.
Connecticut	<ul style="list-style-type: none"> A sexual assault or aggravated sexual assault (in the first, second, third or fourth degrees, and/or with a firearm), sexual assault in spousal or co-habiting relationship, prostitution, aggravated sexual assault of minor, or injuring, risking injury to, or impairing morals of, children that involves a sexual act. <ul style="list-style-type: none"> "Sexual act" means: contact between the penis and the vulva or the penis and the anus, where such contact involving the penis occurs upon penetration, however slight, or contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus. 	<ul style="list-style-type: none"> Testing of accused offenders is available upon order of the court (on its own accord) or upon order of the court following the request of the victim. 	<ul style="list-style-type: none"> Upon court order of individuals accused or convicted of crime. 	<ul style="list-style-type: none"> The results of tests of accused individuals may be disclosed to the victim. A report of the result of such examination must be filed with the Department of Health on a form supplied by it. The results of tests of convicted individuals must be disclosed to the victim and the offender. A victim may designate a health care provider or an HIV testing and counseling site to receive the results of the test on behalf of the victim. 	Conn. Gen. Stat. Ann. §§ 19a-581-593; 53-21; 53a-65-89; 54-102a; 54-102b; 54-102c.
Delaware	<ul style="list-style-type: none"> An offense which has sexual intercourse or deviate sexual intercourse as an element, or has sexual contact as an element when the circumstances of the case demonstrate a possibility of transmission of HIV. "Sexual intercourse" means: <ul style="list-style-type: none"> any act of physical union of the genitalia or anus of 1 person with the mouth, anus or genitalia of another person, including rape and sodomy. It occurs upon any penetration, however slight. Ejaculation is not required; or any act of cunnilingus or fellatio regardless of whether penetration occurs. Ejaculation is not required. "Sexual contact" means: <ul style="list-style-type: none"> any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; or 	<ul style="list-style-type: none"> Testing of a defendant who has been arrested and charged for an applicable crime is available upon the request of the victim and/or court order at the arraignment. Defendant is notified of the availability of testing at initial court appearance on the charges and the victim, or parent or guardian of the victim, is notified that the defendant has been so notified. 	<ul style="list-style-type: none"> At arraignment of a defendant arrested and charged with an offense that has sexual intercourse, deviant sexual intercourse or sexual contact as an element, at the request of the victim, the court shall order testing of defendant (regardless of any prior HIV test on the defendant). Defendant must submit to testing not later than 48 hours after the victim has requested, and/or the court has ordered, such testing. Filing of a notice of appeal shall not automatically stay an order that the defendant submit to HIV testing. 	<ul style="list-style-type: none"> The Division of Public Health will make results available to the victim, or the parent or guardian of the victim who is a minor or has an intellectual disability or mental incapacity, the defendant, the court issuing the order for testing and any person or agency pursuant Delaware law (e.g., public health officials). Also, the Division of Public Health will notify the Department of Correction or the Department of Services to Children, Youth and Their Families solely for the purpose of providing medical treatment to a defendant incarcerated in any institution under such Department's jurisdiction. Victim cannot disclose the results of an HIV-related test to another person except as authorized under Delaware law. 	Del. Code Ann. tit. 10, §§ 1075-1077; Del. Code Ann. tit. 11 §§ 761; 3910-3913.

	<ul style="list-style-type: none"> any intentional touching of another person with the defendant's anus, breast, buttocks, semen or genitalia; or intentionally causing or allowing another person to touch the defendant's anus, breast, buttocks or genitalia. <p>in each case if the touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. "Sexual contact" also includes touching when covered by clothing.</p>				
District of Columbia	<ul style="list-style-type: none"> Any offense (including being adjudicated as a delinquent in a juvenile proceeding, having entered a plea of guilty or nolo contendere) defined as any prohibited activity involving a sexual act that includes contact between the penis and the vulva or the penis and the anus, however slight, or contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus. 	<ul style="list-style-type: none"> Upon the request of the victim, including the parent or legal guardian of a victim who is a minor, or the spouse, domestic partner, or child of a victim if the victim is deceased or incapacitated, the court shall order testing of a defendant convicted of any offense involving a sexual act. 	<ul style="list-style-type: none"> Following conviction, testing is mandatory upon the request of the victim. 	<ul style="list-style-type: none"> The results of the HIV test are disclosed to the victim and the convicted individual by the Mayor. The victim may disclose the results of the HIV test to any other individual to protect the health and safety of the victim, the victim's sexual partners, or the victim's family. 	D.C. Code §§ 22-3901-3902.
Florida	<ul style="list-style-type: none"> Charges of sexual battery, incest, lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, assault, aggravated assault, battery, aggravated battery, child abuse or aggravated child abuse, abuse of an elderly person or disabled adult, sexual performance by a minor, prostitution, or donation of blood, plasma, organs, skin or other tissue while aware of being HIV positive, or the attempt thereof, which offense or attempted offense involves the transmission of bodily fluids from one person to another. Convictions or pleas of guilty (or nolo contendere) to sexual battery, incest, lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, assault, aggravated assault, battery, aggravated battery, child abuse or aggravated child abuse, abuse of an elderly person or disabled adult, sexual performance by a minor, prostitution, donation of blood, plasma, organs, skin or other tissue while aware of being HIV positive, or human trafficking, or the attempt thereof, which offense or attempted offense involves the transmission of bodily fluids from one person to another. 	<ul style="list-style-type: none"> Upon the request of the victim, or of the victim's legal guardian (if the victim is a disabled adult or elderly person), or of the parent or legal guardian of the victim (if the victim is a minor), the court shall order testing of persons charged with or alleged by petition for delinquency to have committed an enumerated offense which involves the transmission of body fluids from one person to another. Where the victim is under the age of 18 at the time the offense was committed, or is a disabled adult or elderly person, regardless of whether the offense involves the transmission of body fluids, the court shall order testing upon the request of the victim, or of the victim's legal guardian if the victim is a disabled adult or elderly person, or of the parent or legal guardian of the victim if the victim is a minor. The court shall order testing of defendants convicted of, or who have pled guilty (or nolo contendere) to, these enumerated offenses (listed above) which involve the transmission of body fluids from one person to another unless the offender has undergone voluntary testing. 	<ul style="list-style-type: none"> The court shall order testing within 48 hours of when the information, indictment, or petition for delinquency is filed upon request of the victim, the victim's legal guardian if the victim is a disabled adult or elderly person or the parent or legal guardian of the victim if the victim is a minor. If the victim, the victim's legal guardian, or parent requests testing more than 48 hours after the information, indictment, or petition is filed, testing shall be done within 48 hours of the request. Otherwise, testing occurs after conviction. 	<ul style="list-style-type: none"> The results must be disclosed, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor. The results are also disclosed to the person charged with, alleged to have committed, or convicted of the crime. If the alleged offender is a juvenile, the results are disclosed to the parent or guardian. The test results shall be disclosed no later than 2 weeks after the court receives such results. For follow-up testing, notification to the victim, or to the victim's parents or legal guardian, and to the defendant of the results of each follow-up test, as soon as practicable. 	Fla. Stat §§ 775.0877, 960.003-004, 381.004(4)(g).
Georgia	<ul style="list-style-type: none"> Arrests or convictions of an "AIDS transmitting crime" or other crime that involves "significant exposure." <ul style="list-style-type: none"> "AIDS transmitting crime" means rape, sodomy, aggravated sodomy, child molestation, aggravated child molestation, prostitution, solicitation of sodomy, incest, statutory rape or any drug related offense involving heroin, 	<ul style="list-style-type: none"> Testing is available (but not mandatory) upon arrest of offender of enumerated offenses at the request of the victim (or the parent or legal guardian of a minor or incompetent victim), upon showing of probable cause that the person arrested for the offense committed the alleged crime and 	<ul style="list-style-type: none"> Upon court order after arrest or within 45 days following a guilty verdict or plea of guilty to any AIDS transmitting crime. 	<ul style="list-style-type: none"> If the HIV test is positive, the test results and name of infected person shall be reported to: <ul style="list-style-type: none"> the Department of Public Health, which shall disclose the name of the infected person as necessary to provide counseling to each victim or to any parent or guardian of a victim who is a minor or an incompetent person; the court that ordered the test for inclusion 	Ga. Code Ann. §§ 17-10-15, 31-22-9.1.

	<p>cocaine, derivatives of either, or any other controlled substance that is commonly intravenously injected.</p> <ul style="list-style-type: none"> • "Significant exposure" means contact of the victim's ruptured or broken skin or mucous membranes with the blood or body fluids of the person arrested for such offense, other than tears, saliva, or perspiration, of a magnitude that the Centers for Disease Control and Prevention have epidemiologically demonstrated can result in transmission of HIV. 	<p>that significant exposure occurred.</p> <ul style="list-style-type: none"> • Testing is required upon a guilty verdict or plea of guilty to any AIDS transmitting crime. 		<p>in the infected person's criminal record (that report shall be sealed by the court); and</p> <ul style="list-style-type: none"> • the correctional or other facility at which the infected person is confined for purposes of separating the infected person from those who are not infected. 	
Guam	<ul style="list-style-type: none"> • Any adult convicted of criminal sexual conduct. • A juvenile who has been certified to the criminal court for prosecution as an adult and convicted of criminal sexual conduct or a juvenile adjudicated to have committed an act or acts of criminal sexual conduct or placed in a deferred admission status for criminal sexual conduct. 	<ul style="list-style-type: none"> • For convicted adults, upon conviction. • For convicted juveniles (tried as an adult), upon conviction and following request of the victim. 	<ul style="list-style-type: none"> • Upon conviction. 	<ul style="list-style-type: none"> • The victim, or if the victim is a minor, to the victim's parent or guardian, and the convicted person. 	8 Guam Code Ann. § 120.60, 10 Guam Code Ann. §§ 3330 and 3331.
Hawaii	<ul style="list-style-type: none"> • An adult charged or convicted of, or a juvenile charged or adjudicated of: sexual assault in the first, second, or third degree (third degree limited to recklessly subjecting another person to an act of sexual penetration by compulsion); continuous sexual assault of a minor under the age of fourteen years; or incest. 	<ul style="list-style-type: none"> • Testing of a charged alleged sexual offender is available upon request of the victim, or the parent or guardian of a minor or incapacitated victim, subject to a demonstration of probable cause. • Testing of a convicted sexual offender is mandatory. 	<ul style="list-style-type: none"> • Testing is available at the time of charging, conviction or adjudication. • To require testing of a charged individual, the court must determine in camera that probable cause exists for the charge. Probable cause is demonstrated by preponderance of the evidence. 	<ul style="list-style-type: none"> • The information is disclosed to a physician or certified HIV counselor designated by the victim, parent or guardian of a minor or incapacitated victim. This individual will provide counseling and notify the victim, parent, or guardian of the test results. • A victim to whom information is released may request the release of information by a physician or HIV counselor to a person with whom the victim shares a privileged relationship under law. • The victim, the parent or guardian of a minor or incapacitated victim or any other person receiving the information is required to sign a notice of HIV status disclosure advising them of the confidentiality provisions regarding HIV test results and the penalties for unlawful disclosure to any person other than a designated physician or HIV counselor. • Charged or convicted person also receives results. 	Haw. Rev. Stat. §§ 325-16(c)(7) and (8) and (d), 325-16.5, 325-101(a)(13) and (d), 325-102, 707-730, 707-731, 707-732(1)(a), 707-733.6, 707-741, 801D-4(b).
Idaho	<ul style="list-style-type: none"> • All persons, including juveniles, who are charged with a sex offense and/or a crime in which bodily fluid has likely been transmitted to another, or other charges as recommended by public health authorities, shall be tested for HIV. • All persons who are confined or imprisoned in any state prison facility, regardless of the crime, shall be tested for HIV. • All persons who are confined in any county or city jail, regardless of the crime, may be tested if in the judgment of public health authorities or the jailer the person has been exposed to HIV. 	<ul style="list-style-type: none"> • Testing is mandatory for those charged with a sex offense and/or a crime in which bodily fluid has likely been transmitted, or other charges recommended by public health authorities. • Testing is mandatory for those in a state prison facility upon admission. Testing will also occur during the time in which the person is confined if, in the judgment of public health authorities or the jailer, that person has been exposed to HIV. Testing is also performed upon the individual's request prior to release. • Testing is optional if in a county or city jail and in the judgment of public health authorities or the jailer, the offender has been exposed to HIV. 	<ul style="list-style-type: none"> • Testing occurs when the individual is charged, confined or imprisoned. • In a state prison facility, testing occurs again upon the offender's request before release. • In a county or city jail, testing occurs if the individual has, in the judgment of public health authorities or the jailer, been exposed to HIV. • At the request of the victim of a sex offense in which bodily fluid has likely been transmitted, or the parent, guardian or legal custodian of a minor victim, such test shall be administered not later than 48 hours after the date on which the information or indictment is presented. 	<ul style="list-style-type: none"> • The information is disclosed to the court. • The court then releases the results to the victim, or for a minor victim, the victim's parent, guardian or legal custodian. • All positive HIV test results are required to be reported to the Department of Health or relevant Health District within 3 working days. 	Idaho Code §§ 39-601, 39-604; Idaho Admin. Code r. 16.02.10.360

Illinois	<ul style="list-style-type: none"> For an individual accused of (i) criminal sexual assault, (ii) aggravated criminal sexual assault or (iii) predatory criminal sexual assault of a child, test shall be performed after a finding that probable cause exists to believe the individual has committed the prohibited act, after indictment, after a finding that the accused is unfit to stand trial, or upon request of the victim. For adults, testing shall also be performed upon conviction of (i) criminal sexual assault or (ii) aggravated criminal sexual assault, (iii) predatory criminal sexual assault of a child, (iv) criminal sexual abuse or (v) aggravated criminal sexual abuse. For juveniles, testing shall be performed upon conviction of an act that would constitute (i) predatory criminal sexual assault of a child, (ii) aggravated criminal sexual assault, (iii) criminal sexual assault, (iv) aggravated criminal sexual abuse or (v) criminal sexual abuse, if committed by an adult. 	<ul style="list-style-type: none"> For convicted offenders, testing is required. For those accused or charged, the court will determine whether to require testing upon the victim's request, the accused's indictment, after a hearing at which probable cause has been shown that the defendant committed the prohibited act, or after a finding that the accused is unfit to stand trial. 	<ul style="list-style-type: none"> For convicted offenders, following conviction. For those accused or charged, upon the court's order following a successful probable cause hearing, a finding that the accused is unfit to stand trial, the accused's indictment or the victim's request. 	<ul style="list-style-type: none"> For convicted adult offenders, the court must notify the offender of the results and, if requested by the victim, must also notify the victim and if the victim is under the age of 15 and the results are requested by the victim's parent or legal guardian, the court will notify the victim's parents or legal guardian. The judge has discretion to determine who else receives the results. For convicted minor offenders, the results must be delivered directly to the judge, who has the discretion to determine to whom the results of the testing may be revealed. The court will notify the minor of the results of the test and will notify the victim if requested by the victim, and if the victim is under the age of 15 and the results are requested by the victim's parent or legal guardian, the court will notify the victim's parents or legal guardian. For those accused or charged, test results are provided to the victim, the defendant, the prosecutor and the judge who reviews the results in camera and who has discretion to determine to whom, if anyone, the results of the testing may be revealed. 	705 Ill. Comp. Stat. 405/5-710(9); 720 Ill. Comp. Stat. 5/11-1.10 through 5/11-1.60; 730 Ill. Comp. Stat. 5/5-5-3.
Indiana	<ul style="list-style-type: none"> Defendants, both adults and juveniles, charged with a potentially disease transmitting offense, defendants charged with an offense involving the transmission of bodily fluid, and persons convicted of an offense relating to a criminal sexual act where the offense created an epidemiologically demonstrated risk of transmission of HIV. <ul style="list-style-type: none"> A "potentially disease transmitting offense" includes battery or domestic battery involving placing a bodily fluid or waste on another person or an offense relating to a criminal sexual act, if sexual intercourse or other sexual conduct occurred. The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct occurred, and a delinquent act that would be a crime if committed by an adult. An "offense involving the transmission of bodily fluid" is any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense. If an indictment or information alleges that the defendant compelled another person to engage in sexual activity by force or threat of force. 	<ul style="list-style-type: none"> For persons charged with a potentially disease transmitting offense or an offense involving the transmission of bodily fluid, the victim, or the parent, guardian or custodian of a victim who is less than 18 years old or is an endangered adult, may request testing but it is in the court's discretion following a finding of probable cause that the defendant committed the offense. If the indictment charges that the defendant compelled another person to engage in sexual activity by force or threat of force, testing is required upon the victim's request. For those convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of HIV, testing is required. 	<ul style="list-style-type: none"> For defendants charged with a potentially disease transmitting offense or with an offense involving the transmission of bodily fluid, upon the court's order following a successful probable cause hearing. Not later than 48 hours after the victim's request where the defendant is charged with compelling another person to engage in sexual activity by force or threat of force. Following conviction for those convicted of an offense relating to a criminal sexual act where the offense created an epidemiologically demonstrated risk of transmission of HIV. 	<ul style="list-style-type: none"> The information, including results of follow-up testing, is disclosed to the defendant and the victim or his or her parent, guardian or custodian if a minor or endangered adult. For persons charged with a potentially disease transmitting offense or an offense involving the transmission of a bodily fluid, the results of the screening test may only be made available to the defendant and defendant's counsel, the prosecuting attorney, the department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed, or the alleged victim or parent, guardian or custodian if victim is a minor or endangered adult and the alleged victim's counsel. <ul style="list-style-type: none"> The victim may disclose the results to an individual or organization to protect the health and safety of or to seek compensation for the victim, the victim's sexual partner or the victim's family. 	Ind. Code §§ 16-41-8-1, 16-41-8-5, 16-41-8-6, 35-38-1-10.5, 35-38-1-10.6, 31-37-19-12.
Iowa	<ul style="list-style-type: none"> Individuals convicted, adjudicated delinquent or "alleged offenders" accused of "sexual assault" involving "significant exposure" to HIV/AIDS. <ul style="list-style-type: none"> "Sexual assault" means "sexual abuse" or any other sexual offense by which a victim has allegedly had sufficient contact with a "convicted offender" or an "alleged offender" to be deemed a "significant exposure." "Sexual abuse" means any sex act between 	<ul style="list-style-type: none"> Testing is available at the request of the victim upon court order. 	<ul style="list-style-type: none"> Testing for alleged offenders and those convicted or adjudicated delinquent occurs following a hearing as described below. 	<ul style="list-style-type: none"> Results of the testing are disclosed to the convicted or alleged offender, the victim, the victim's counselor or a person requested by the victim who is authorized to provide counseling, the physician or health care provider who performed the test, the physician of the victim (if requested by the victim), the parent/guardian/custodian of the victim (if the victim is a minor), and the county attorney who filed the petition for the testing. The victim may disclose the 	Iowa Code §§ 141A.6, 141A.7, 141A.9, 709.1, 915.40, 915.42 and 915.43.

	<p>persons: (1) when the act is done by force or against the will of the person (or if consent is procured by threats of violence, or the person is under the influence of a sleep inducing drug/is unconscious); or (2) if the person suffers from a mental defect or incapacity which precludes giving consent (or lacks the mental capacity to know right and wrong conduct of sexual matters); or (3) if the person is a child.</p> <ul style="list-style-type: none"> •“Alleged offender” means a person who has been charged with the commission of a sexual assault or a juvenile who has been charged in juvenile court with being a delinquent as a result of actions that would constitute a sexual assault. •“Convicted offender” means a person convicted of a sexual assault or a juvenile who has been adjudicated delinquent for an act of sexual assault. •“Significant exposure” means contact of the victim’s ruptured or broken skin or mucous membranes with the blood or body fluids (other than tears, saliva or perspiration) of the convicted or alleged offender. Significant exposure is presumed when there is a showing that there was penetration of the convicted or alleged offender’s penis into the victim’s vagina or anus, contact between the mouth and genitalia, or contact between the genitalia of the convicted or alleged offender and the genitalia or anus of the victim. •If a person is an alleged offender, a search warrant shall be applied for. 			<p>results to his/her spouse, members of his/her family (within the 3rd degree of consanguinity), and persons with whom the victim has had intercourse (vaginal, anal or oral) subsequent to the sexual assault.</p> <ul style="list-style-type: none"> •Results of the testing cannot be disclosed to anyone else without written consent of the convicted or alleged offender. •Within 7 days of the receipt of a test result indicating HIV infection that has been confirmed as positive, or within 7 days of diagnosing a person as having AIDS or an AIDS-related condition, the testing or diagnosing physician or physician’s assistant must make a report to the Department of Public Health. 	
<p>Kansas</p>	<ul style="list-style-type: none"> •An adult arrested and charged with a crime in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved. •A juvenile charged with an offense involving a sexual act or in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved. •An adult convicted of a crime that involved or was likely to have involved transmission of body fluids from one person to another. •A juvenile adjudicated to have committed an act or offense that involved or was likely to have involved transmission of body fluids from one person to another or involved a sexual act. <ul style="list-style-type: none"> •“Sexual act” means contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva or the mouth and the anus. For purposes of this definition contact involving the penis occurs upon penetration, however slight. 	<ul style="list-style-type: none"> •For those arrested and charged, testing is required at the request of the victim, or if the victim is a minor, the victim’s parent, or the county or district attorney or if the person arrested and charged stated to law enforcement officers that such person has an infectious disease (including HIV/AIDS) or is infected with an infectious disease (including HIV/AIDS). •For those convicted, testing may be ordered by the court on its own accord and is required if the victim or parent/legal guardian of the victim (if the victim is a minor) requests testing. 	<ul style="list-style-type: none"> •Testing is available when an alleged offender is arrested or charged and also after conviction. •If the test result for HIV infection is negative (and the original request for testing resulted from law enforcement or emergency response personnel exposed to transmission of body fluids within the scope of the employee’s duties), the court shall order the adjudicated person to submit to another test for HIV infection six months after the first test was administered. 	<ul style="list-style-type: none"> •For testing of persons arrested or charged, the test results are disclosed to the arresting officer, the person arrested, the victim (or parent/guardian/custodian if the victim is a minor), and “such other persons as the court determines have a legitimate need to know the test result in order to provide for their protection.” •For testing of persons convicted, the results are disclosed to the court, the convicted person and the health care provider or counselor designated by the victim (or parent/legal guardian if the victim is a minor) to receive the testing results information on the victim’s behalf. •Positive results are also required to be reported to the secretary of health and secretary of corrections. •A physician who has reason to believe that the spouse or partner of a person who has had laboratory confirmation of HIV infection or who has AIDS may have been exposed to HIV and is unaware of such exposure may inform the spouse or partner. 	<p>Kan. Stat. Ann. §§ 38-2317, 65-6001, 65-6004, 65-6008, 65-6009.</p>

Kentucky	<ul style="list-style-type: none"> •A defendant who is convicted of an offense which has sexual intercourse or deviate sexual intercourse as an element, or has sexual contact as an element when the circumstances of the case demonstrate a possibility of transmission of HIV. •Applies to adult and juvenile offenders. 	<ul style="list-style-type: none"> •For convicted offenders, testing is required. 	<ul style="list-style-type: none"> •For convicted offenders, testing occurs upon sentencing. 	<ul style="list-style-type: none"> •The test results are made available to: <ul style="list-style-type: none"> •the victim, or to the parent or guardian of a victim who is a minor or is an individual with an intellectual disability or is mentally incapacitated. •the defendant. •if the defendant is a juvenile, to the defendant's parents or guardian. •the court issuing the order for testing. •the Department of Corrections – only for adult defendants and only for purposes of providing medical treatment to the defendant while incarcerated. •any other agency as directed by statute. 	Ky. Rev. Stat. Ann. §§ 438.250, 510.320, 635.110; 902 Ky. Admin. Regs. 2:020
Louisiana	<ul style="list-style-type: none"> •A person who has been charged with or convicted of first degree rape, second degree rape, third degree rape, sexual battery, misdemeanor sexual battery, second degree sexual battery or oral sexual battery. •Applies to both adult and juvenile defendants. 	<ul style="list-style-type: none"> •For convicted offenders, testing is required to determine whether the person is infected with a sexually transmitted disease, AIDS, HIV, HIV-1 antibodies or any other probable causative agent of AIDS. •For charged persons, testing is required if the victim requests it. 	<ul style="list-style-type: none"> •Testing occurs upon conviction. •For charged persons, if the victim requests testing, the test must occur within 48 hours of the person's indictment. 	<ul style="list-style-type: none"> •For convicted persons, (i) positive test results must be reported to the Department of Public Safety and Corrections and (ii) notice of the test results are disclosed to the victim or the parent or custodian of the victim of the alleged offense, regardless of the results. •For charged persons, the court may in its discretion provide the test results to the victim of the offense and shall provide them to health authorities in accordance with law. •For indicted persons, the test results will be disclosed to the victim and the defendant. If the victim consents, the test results will be disclosed to anyone authorized by the victim. 	La. Rev. Stat. §§ 14:42-43.3, 14:43.5, 15:535, 15:541; La. Code Crim. Proc. art. 499; La. Admin. Code tit. 51, pt. II §105.
Maine	<ul style="list-style-type: none"> •Offenders, both adults and juveniles, convicted of, or adjudicated as having committed (in the case of juveniles), a "sexual crime." •"Sexual crime" means a crime involving a "sexual act", which is defined as: <ul style="list-style-type: none"> •(1) any act between 2 persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; •(2) any act between a person and an animal being used by another person which act involves direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; or •(3) any act involving direct physical contact between the genitals or anus of one and an instrument or device manipulated by another person when that act is done for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact. •A sexual act may be proved without allegation or proof of 	<ul style="list-style-type: none"> •After the defendant is convicted, available upon request of the victim of a sexual crime, or the victim's parent, guardian or authorized representative if the victim is a minor or incapacitated adult. 	<ul style="list-style-type: none"> •A victim of a sexual crime (or the victim's parent, guardian or authorized representative if the victim is a minor or incapacitated adult) may petition the court at any time prior to sentencing or no later than 180 days after conviction to order the convicted offender to submit to HIV testing and to order that the convicted offender be informed of the test results. 	<ul style="list-style-type: none"> •The health care facility in which the offender is tested must disclose the results to the victim/witness advocate, who must disclose the result to the victim. Upon order of the court, the facility must disclose the results to the convicted offender. 	Me. Rev. Stat. Ann. tit. 5, §§ 19203-A, 19203-F, 19204-A; Me. Rev. Stat. Ann. tit. 17-A § 251.

	penetration.				
Maryland	<ul style="list-style-type: none"> The court may order a person to give a blood sample to be tested for HIV where the person is charged with a prohibited exposure (within 1 year of the occurrence of the prohibited exposure); and <ul style="list-style-type: none"> the victim or the victim's representative requests the test in writing; and the court finds probable cause to believe the prohibited exposure occurred. The court will order a person to give a blood sample to be tested for HIV and any other identified causative agent of AIDS where that person: <ul style="list-style-type: none"> has been convicted of a crime that includes a prohibited exposure; has been granted probation before judgment in a case involving a prohibited exposure; or is a child respondent found to have committed a delinquent act that includes a prohibited exposure. A "prohibited exposure" means a crime or delinquent act that may have caused or resulted in exposure to HIV and includes contact that occurs on penetration, however slight, between the penis and the vulva or anus; and contact between the mouth and the penis, vulva, or anus. 	<ul style="list-style-type: none"> For those charged, available upon court order (after a finding of probable cause) at the written request of the victim or the victim's representative. Victim or victim's representative must request testing in writing to the State's Attorney in the county where the prohibited exposure occurred. <ul style="list-style-type: none"> For those convicted, available upon court order at the request of the victim or victim's representative to the State's Attorney in the county where the prohibited exposure occurred. "Victim" means the victim of a prohibited exposure and includes law enforcement officers, firefighters, emergency medical personnel and forensic scientists acting in the performance of their respective duties. "Victim's representative" means the parent of a victim who is a minor, the legal guardian of a victim or the person authorized to give consent for the victim. 	<ul style="list-style-type: none"> For those charged, upon the victim's or victim's representative's written request and following a hearing to be held within 30 days of presentment of the request to the court. The court must rule within 3 days of the conclusion of the hearing. The person must have been charged within 1 year after the prohibited exposure occurred and the court must find probable cause to believe that a prohibited exposure occurred. Both the victim or victim's representative and the accused have the right to be present at the hearing. For those convicted (including child respondents) or on probation before judgment, the court shall issue an order for testing within 10 days of the victim's or victim's representative's written request. On receipt of the court order, the local health officer shall collect the blood sample within 7 days from the person charged with, convicted of, or found to have committed, a prohibited exposure. 	<ul style="list-style-type: none"> The victim or victim's representative. The person charged with, convicted of, or found to have committed a prohibited exposure. The State Attorney who transmitted the victim's request for an HIV test. 	Md. Code Ann., Crim. Proc. §§ 11-107 – 11-117; Md. Code Regs. 10.52.10.02 – 10.52.10.07; Md. Code Regs. 10.18.02.06.
Massachusetts	<ul style="list-style-type: none"> Please see "Anything else I should know?" for more information. 	<ul style="list-style-type: none"> Correctional institutions must conduct a physical examination of each inmate incarcerated for 30 days or more, which physical examination must give special attention to determining the presence of communicable diseases. <ul style="list-style-type: none"> "Venereal diseases" is not defined. HIV testing is voluntary. 	<ul style="list-style-type: none"> Within 14 days of incarceration, if elected by the inmate. 	<ul style="list-style-type: none"> The results or identity of the subject of such a test shall not be disclosed to any person other than the subject of the test without first obtaining the subject's written informed consent. The written consent form states the purpose for which the information is being requested and is distinguished from written consent for the release of any other medical information. Any physician, health care provider, health care institution or laboratory may report the information to the department of public health. HIV test information in inmate medical records can only be released with the inmate's written consent. 	Mass. Gen. Laws ch. 111 §§ 70E, 70F; ch. 127 § 16; 105 Mass. Code Regs. 205.101, 205.200
Michigan	<ul style="list-style-type: none"> Individuals charged with criminal sexual conduct and assault with intent to commit criminal sexual misconduct involving sexual penetration <ul style="list-style-type: none"> "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required. 	<ul style="list-style-type: none"> Required upon conviction. Required upon defendant being "bound over" where the court determines there is probable cause to believe that the violation involved "sexual penetration" or exposure to a body fluid of the defendant. 	<ul style="list-style-type: none"> Upon conviction. Upon defendant being "bound over" to court upon finding of probable cause to proceed. Upon victim's request, the testing will be done not later than 48 hours after the date that the information/indictment is presented and the defendant is either in custody or has been served with the information/indictment. 	<ul style="list-style-type: none"> Results disclosed only to the defendant, the local health department, the victim (or parent/guardian if a minor), or as "otherwise provided by law." To receive results of the testing, the victim (or their parent/guardian if the victim is a minor) must consent to their address and contact information being provided to the entity conducting the test, so that the victim can receive the results. 	Mich. Comp. Laws §§ 333.5129, 750.520a-.520g.
Minnesota	<ul style="list-style-type: none"> Adults convicted of or juveniles adjudicated delinquent for criminal sexual conduct in the first, second, third, or fourth degree, or any other violent crime, if: <ul style="list-style-type: none"> The crime involved sexual penetration, however slight, or There is evidence that the broken skin or mucous membrane of the victim was exposed to or had contact with the 	<ul style="list-style-type: none"> Available upon request of the victim (if the offender is convicted). 	<ul style="list-style-type: none"> After sentencing. 	<ul style="list-style-type: none"> The results are available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian, and positive test results shall be reported to the commissioner of health. 	Minn. Stat. Ann. § 611A.19

	offender's semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit HIV.				
Mississippi	<ul style="list-style-type: none"> Any person who is convicted of a "sex offense" and who is sentenced to any state or local correctional facility, placed on probation, given a suspended sentence or other disposition shall be tested for HIV and AIDS by the state Department of Health in conjunction with the State Department of Corrections. Any juvenile who is adjudicated a delinquent as a result of committing a sex offense or any offense involving the crime of rape and placed in the custody of the Mississippi Department of Human Services, Office of Youth Services, shall be tested for HIV and AIDS. "Sex offense" includes, but is not limited to, rape; assault with intent to ravish; sexual battery; exploiting children; the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner; unnatural intercourse; procuring sexual servitude of a minor; the attempt to commit any of the above offenses; any offense resulting in a conviction in another jurisdiction for which registration as a sex offender is required in the jurisdiction where the conviction was had; any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section. 	<ul style="list-style-type: none"> Required upon conviction. Available upon victim's request if the offense or attempted offense is sexual assault or of felonious abuse or battery of a child, touching or handling a child for lustful purposes, exploitation of children, sexual battery, or statutory rape. 	<ul style="list-style-type: none"> At victim's request, a test for HIV shall be administered to the defendant/accused no later than 48 hours after the date on which the information or indictment is presented and defendant/accused shall be subjected to follow-up testing as medically necessary and reasonable. An offender who is confined for more than ninety days shall be tested within thirty days before the date of the offender's release. 	<ul style="list-style-type: none"> Results of any test shall be made available to victim or, if the victim is a child, to the guardian of the victim. The results of any positive HIV or AIDS tests must be reported to the victim(s) of such offense and to the offender. Any positive results must also be reported to the victim's spouse and to the spouse of the person who is convicted of such sex offense, if either or both of them are lawfully married. 	Miss. Code Ann. §§ 99-19-201, 99-19-203, 99-37-25, 43-21-623, 45-33-23.
Missouri	<ul style="list-style-type: none"> Individuals charged with any sexual offense, which includes sexual intercourse or deviate sexual intercourse <ul style="list-style-type: none"> "Sexual intercourse" means any penetration, however slight, of the female genitalia by the penis. "Deviate sexual intercourse" means any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim. All individuals who are delivered to the Department of Corrections prior to incarceration and all individuals who are released or discharged from any correctional facility operated by the Department of Corrections, before such individuals are released or discharged. 	<ul style="list-style-type: none"> Available upon indictment upon filing of a motion by the prosecuting or circuit attorney. Timing of the testing is not specified. Required upon conviction prior to incarceration. 	<ul style="list-style-type: none"> Prior to incarceration and before release or discharge from the Department of Corrections. 	<ul style="list-style-type: none"> The results of the defendant's tests shall be released to the victim and the victim's parent or legal guardian if the victim is a minor. The results of the defendant's tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The prosecuting or circuit attorney also may obtain contact information and test results of individuals with whom the HIV-infected individual has had sexual intercourse or deviate sexual intercourse for investigative and prosecutorial purposes. The administrator of the jail or correctional facility in which the defendant is confined shall also have access to the test results. 	Mo. Ann. Stat. §§ 191.226; 191.656, 191.659; 191.663; 566.010; 545.940
Montana	<ul style="list-style-type: none"> A person convicted of a "sexual offense" must, at the request of the victim of the sexual offense or of the parent or guardian of the victim, if the victim is a minor, be administered standard testing according to currently accepted protocol, using guidelines established by the Centers for Disease Control, to detect in the person the presence of antibodies indicative of the presence of HIV or other sexually transmitted diseases. "Sexual offense" includes, subject to certain 	<ul style="list-style-type: none"> Available at the request of the victim or the parent or guardian of the victim, if the victim is a minor (if the person is convicted). 	<ul style="list-style-type: none"> Following entry of judgment. 	<ul style="list-style-type: none"> The county attorney of the county in which the person was convicted shall release the information concerning the test results to the convicted person and to the victim of the offense or to the parent or guardian of the victim if the victim is a minor. 	Mt. Code Ann. §§ 46-18-256, 46-23-502(10).

	<p>exceptions, any violation, attempt, solicitation, or conspiracy to commit a violation, or flight after the attempt or commission of the following: (i) unlawful restraint (if the victim is under 18 years of age and the offender is not the victim's parent); (ii) kidnapping (if the victim is under 18 years of age and the offender is not the victim's parent); (iii) aggravated kidnapping (if the victim is under 18 years of age and the offender is not the victim's parent); (iv) sexual assault; (v) sexual intercourse without consent; (vi) indecent exposure; (vii) incest (if the victim is under 18 years of age and the offender is three or more years older than the victim or if the victim is under 13 years of age and the offender 18 years of age or older at time of offense); (viii) aggravated sexual intercourse without consent; (ix) prostitution; (x) endangering the welfare of children; (xi) sexual abuse of children; (xii) ritual abuse of a minor; (xiii) patronizing a victim of sex trafficking; (xiv) aggravated sex trafficking; (xv) child sex trafficking; (xvi) deviate sexual conduct; or (xvii) any violation of a law of another state, a tribal government, the federal government, or the military or a foreign entity that is reasonably equivalent to a violation listed above or for which the offender was required to register as a sexual offender after an adjudication or conviction.</p> <p>•"Convicted" includes a juvenile adjudicated a delinquent youth or a youth in need of intervention.</p>				
Nebraska	<ul style="list-style-type: none"> •When a person has been convicted of sexual assault, sexual assault of a child in the first, second or third degree, or any other offense under Nebraska law when sexual contact or sexual penetration is an element of the offense, the judge must, at the victim's request, order the convicted person to submit to HIV testing when the circumstances of the case demonstrate a possibility of transmission of HIV. •"Convicted" includes adjudicated under juvenile proceedings. 	<ul style="list-style-type: none"> •Available at the request of the victim (if the person is convicted). 	<ul style="list-style-type: none"> •After conviction (filing notice of appeal does not stay the testing requirement). 	<ul style="list-style-type: none"> •The Department of Correctional Services must make the test results available only to the victim, the victim's parents or guardian if the victim is a minor or is mentally incompetent, to the convicted person, to the parents or guardian of the convicted person if the convicted person is a minor or mentally incompetent, to the court issuing the order for testing, and to the Department of Health and Human Services. 	Neb. Rev. Stat. Ann. § 29-2290.
Nevada	<ul style="list-style-type: none"> •Please see "Anything else I should know?" for more information. 	<ul style="list-style-type: none"> •Not required. 	N/A	N/A	Nev. Rev. Stat. Ann. §§ 441A.315, 441A.336; S.B. 275 (2021)
New Hampshire	<ul style="list-style-type: none"> •Individuals convicted of sexual assault and related offenses, including persons convicted under juvenile proceedings. 	<ul style="list-style-type: none"> •Required. 	<ul style="list-style-type: none"> •Upon conviction. 	<ul style="list-style-type: none"> •The state shall disclose the results to the person convicted, and to the office of victim/witness assistance, and may disclose the results to the victim. •The office of victim/witness assistance is authorized to disclose test results to the county attorney victim/witness advocates and to the victim. The victim may be notified whether or not the victim requested notification. 	N.H. Rev. Stat. Ann. §§ 141-F:7-F:8, 632-A:1-A:4, 632-A:10-b.
New Jersey	<ul style="list-style-type: none"> •Individuals convicted of, indicted for, or formally charged with sexual assault or aggravated sexual assault. •Juveniles charged with delinquency or adjudicated delinquent for an act which if committed by an adult would constitute aggravated sexual assault or sexual assault. 	<ul style="list-style-type: none"> •Testing is required for juveniles charged with delinquency or adjudicated delinquent for an act which if committed by an adult would constitute aggravated sexual assault or sexual assault. •Testing is available upon request of the victim and upon application of the prosecutor immediately 	<ul style="list-style-type: none"> •Upon request of the victim and upon application of the prosecutor immediately following the request, the court shall order a person convicted, indicted, formally charged, charged with delinquency, or adjudicated delinquent to be tested. •The court order shall require testing to be performed as soon as practicable. •If the victim makes the request prior to or at the time of indictment, 	<ul style="list-style-type: none"> •The court order shall require that the results be reported to the offender and the appropriate Office of Victim-Witness Advocacy. •The Office of Victim-Advocacy shall notify the victim or make appropriate arrangements for the victim to be notified of the test result. •The record of a person who has or is suspected of having AIDS or HIV infection may be disclosed by an order of a court of competent jurisdiction which is granted pursuant 	N.J. Stat. Ann. §§ 2A:4A-43.1; 2A:4A-43.4; 2C:43-2.2; 2C:43-2.3; 26:5C-9; 52:4B-44.

		following the request, for a person convicted of, indicted for, or formally charged with aggravated sexual assault or sexual assault.	or accusation if the defendant has waived the right to an indictment, the court order shall require the testing be performed within 48 hours.	to an application showing good cause therefor.	
New Mexico	<ul style="list-style-type: none"> Persons convicted of, or upon the filing of a complaint, information or an indictment alleging the commission of, a state criminal offense involving: <ul style="list-style-type: none"> contact between the penis and vulva; contact between the penis and anus; contact between the mouth and penis; contact between the mouth and vulva; or contact between the mouth and anus. Persons convicted of any criminal offense when the court determines from the facts of the case that there was a transmission or likelihood of transmission of blood, semen or vaginal secretions from the offender to the victim. 	<ul style="list-style-type: none"> Available with the consent of the offender or alleged offender of any criminal offense listed above. If the offender has been convicted, in the absence of consent, upon court order issued in response to a petition from the district attorney or other prosecutorial authority at the request of the victim or, where the victim is a minor or incompetent, the parent/legal guardian of the victim. If the alleged offender has not been convicted, in the absence of consent, upon court order issued in response to a petition from the district attorney or other prosecutorial authority at the request of the victim or, where the victim is a minor or incompetent, the parent/legal guardian of the victim; provided that the same test is first performed on the victim. 	<ul style="list-style-type: none"> When the offender or alleged offender consents; or Upon filing of a complaint, information or an indictment alleging offense or upon conviction, the district attorney or other prosecutorial authority, upon request from the victim or the parent/legal guardian of the victim if the victim is a minor or incompetent, can petition the court to order that a test be performed on offender or the alleged offender not later than 48 hours from the date of the court order. 	<ul style="list-style-type: none"> The victim or the victim's parent/legal guardian and the offender or alleged offender and the subject of the test's legally authorized representative, guardian or legal custodian. Any victim of an alleged criminal offense who receives the results of an offender's HIV test may disclose the test results as is reasonably necessary to protect his/her health and safety or the health and safety of his/her family or sexual partner. No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by the Human Immunodeficiency Virus Test Act (e.g., to the applicable testing health care provider, the department of health). Note that N.M. Stat. Ann. § 24-2B-6 lists a number of other persons to whom test results may be disclosed for specified reasons (under circumstances that will not apply in all situations). 	N.M. Stat. Ann. §§ 24-2B-5.1, 24-2B-5.2, 24-2B-4 and 24-2B-6 through 24-2B-8.
New York	<ul style="list-style-type: none"> Persons (including juveniles) convicted of (or, in the case of a juvenile in Family Act proceedings, found to have committed), or where an indictment or a superior court information has been filed with a superior court relating to, a felony offense where "vaginal sexual contact" (which "has its ordinary meaning and occurs upon any penetration, however slight"), "oral sexual contact" (contact between the mouth and the penis, anus, vulva or vagina) or "anal sexual contact," (contact between the penis and anus) is a required element. 	<ul style="list-style-type: none"> Available upon court order at the written request of the victim or representative of a minor or incompetent victim. Such request must be made prior to or within 48 hours after the indictment or superior court information has been filed with the superior court or prior to or within 10 days after entry of the offender's conviction (or, in juvenile delinquency proceedings, entry of the court's order finding the juvenile committed the act). The court may permit the request to be filed at a later stage of the action within six months of the date of the crimes charged (alleged offender) or at any time before a sentence is imposed (convicted offender) or before entry of the order of disposition (in juvenile delinquency proceedings), for good cause shown. 	<ul style="list-style-type: none"> Within 48 hours of the date on which the court ordered the testing (for an alleged offender) or 15 days of the date on which the court ordered the testing (for a convicted offender). Whenever the defendant is not tested within the period prescribed by the court, the court must again order that the defendant undergo an HIV related test. 	<ul style="list-style-type: none"> The victim and defendant. The test results are not disclosed to the court. Test results will be disclosed subject to the following limitations, which will be specified in any order issued by the court: <ul style="list-style-type: none"> Disclosure of confidential HIV related information will be limited to that information which is necessary to fulfill the purpose for which the order is granted; Disclosure of confidential HIV related information will be made to the defendant upon his or her request, and disclosure to a person other than the defendant will be limited to the person making the application. Redisclosure of such information will be permitted only to the victim, the victim's immediate family, guardian, physicians, attorneys, medical or mental health providers and to his or her past and future contacts to whom there was or is a reasonable risk of HIV transmission and will not be permitted to any other person or the court. Any such court order will include measures to protect against disclosure to others of the identity and HIV status of the applicant and of the person tested and may include such other measures as the court deems necessary to protect confidential information 	N.Y. Penal Law § 130.00; N.Y. Crim. Proc. Law § 210.16 and 390.15; N.Y. Pub. Health Law art. 27-F, §§ 2781 and 2785-A; NY Family Court Act § 347.1.

North Carolina	<ul style="list-style-type: none"> •After a finding of probable cause or an indictment for an offense that involves nonconsensual vaginal, anal, or oral intercourse, statutory rape or child molestation. 	<ul style="list-style-type: none"> •Testing is available upon a court order issued in response to the district attorney's petition at the request of the victim or the parent, guardian, or guardian ad litem of a minor victim, following a finding of probable cause by the court to believe that the alleged sexual contact involved in the offense would pose a significant risk of transmission of HIV. 	<ul style="list-style-type: none"> •The defendant will be tested not later than 48 hours after the date of the court order. 	<ul style="list-style-type: none"> •The victim and the defendant. •N.C. Gen. Stat. Ann. § 130A-143 also lists various exceptions to the strict confidentiality requirements governing disclosure of communicable disease records generally. 	N.C. Gen. Stat. Ann. §§ 15A-615 and 130A-143; 10A N.C. Admin. Code 41A.0202(9)-(10); NC Public Health HMAP website.
North Dakota	<ul style="list-style-type: none"> •Persons (including juveniles) charged with or convicted of a sex offense (including, sexual imposition, gross sexual imposition, continuous sexual abuse of minors, corruption or solicitation of minors, luring minors by computer or other electronic means, sexual abuse of wards, sexual exploitation by therapist, sexual assault, fornication, adultery, incest, deviate sexual act, sexual extortion, transfer of bodily fluid that may contain HIV and surreptitious intrusion) may be tested for HIV. •The court may not order a person charged with or convicted of indecent exposure and/or bigamy to undergo testing. 	<ul style="list-style-type: none"> •Testing is required for those convicted of a sex offense listed above. •Testing occurs within 48 hours after the offender is charged (for cases in which the alleged victim was compelled by force or threat to engage in sexual activity or sexual contact); or, after request by the victim, upon a showing of probable cause that a possible transfer of HIV took place (in other cases, as described below). 	<ul style="list-style-type: none"> •The time frames for testing depend on the nature of the offense. •When individual is charged or upon showing of probable cause that a possible transfer of HIV took place after request by victim, depending on the offense (as described below). •Testing also occurs upon conviction for a sex offense. 	<ul style="list-style-type: none"> •The testing laboratory will send a copy of the test results to physicians designated in the court order, who will release the test results to the defendant or alleged juvenile offender and each requesting victim as designated in the court order. If the results indicate exposure to or infection by acquired immunodeficiency syndrome virus, acquired immunodeficiency syndrome-related conditions, or other sexually transmitted diseases, the results must be sent to the state department of health and human services. •The victim can only disclose the defendant's test results as necessary to obtain medical or psychological care or advice. 	N.D. Cent. Code Ann. §§ 12.1-20, 23-07.7-01; 23-07.7-02; 23-07-07.5; N.D. Dep't of Health website (www.ndhealth.gov).
Ohio	<ul style="list-style-type: none"> •Any person charged with (1) felonious assault, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, solicitation of sexual activity for hire (including after a positive HIV test), loitering to engage in sexual solicitation of sexual activity for hire (including after a positive HIV test) or prostitution (including after a positive HIV test), (2) a violation of a municipal ordinance that is substantially equivalent to the crimes first listed above or (3) a violation of a statute or municipal ordinance in which by force or threat of force the accused compelled the victim to engage in sexual activity. •Any person charged with any violation of a statute or with a violation of any other municipal ordinance, other than those crimes first listed above, if (1) the accused is infected with HIV and (2) the circumstances of the violation indicate probable cause to believe that, in committing the violation, the accused might have transmitted the virus to the victim or to another person. 	<ul style="list-style-type: none"> •Available upon court order at the request of the prosecutor, the victim, or any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person of HIV. •Probable cause that transmission occurred is required unless charged with rape or related sexual offenses. 	<ul style="list-style-type: none"> •The court will cause the accused to submit to the test or tests within 48 hours after the indictment, information, or complaint is presented. 	<ul style="list-style-type: none"> •The victim, the parent or guardian of the victim, the person who made the request, and the accused. •The court shall inform the victim, or the person who requested the test be performed, that the test was performed and that the victim has a right to receive the results on request. •If the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request. •Positive test results are also reported to the department of health and to the sheriff, head of state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated. 	Ohio Rev. Code Ann. §§ 2907.27; 3701.242-243; Ohio Admin. Code 3701-3-11.
Oklahoma	<ul style="list-style-type: none"> •Persons arrested by lawful warrant for first or second degree rape, forcible sodomy or the intentional infection or attempt to intentionally infect a person with HIV. 	<ul style="list-style-type: none"> •Required upon arrest for an offense listed above (such person may be detained until the results of the examination are known, and a determination as to whether the person is infected shall not be based on any prior examination). 	<ul style="list-style-type: none"> •After arrest by lawful warrant for offense of first or second degree rape, forcible sodomy or the intentional infection or attempt to intentionally infect a person with HIV. •If a person is arrested within 6 hours or less of the actual offense, the accused is to immediately receive a rapid test for HIV without a court order (if a rapid test site is available). 	<ul style="list-style-type: none"> •The results of the exam conducted on the person arrested for any sex offense listed above will be provided to the alleged victim upon request by the victim, the parent of the victim if the victim is a minor, or upon request of the legal guardian/custodian of the victim. •The physician, clinic, or hospital that provides the examination and testing must immediately notify the district attorney's office, through the Victim Witness Coordinator, when the test and examination results have been completed. •The victim must be notified within 3 days of the receipt of the examination report and test results by the designated physician or counseling site as designated by the victim or 	•Okla. Stat. Ann. tit. 63 §§ 1-524.1, 1-525.

				<p>the Victim Witness Coordinator, if no designation has been made by the victim.</p> <ul style="list-style-type: none"> • Upon notification that the results of the examination and tests are completed, the Victim Witness Coordinator shall instruct the physician, clinical laboratory or hospital that completed such results to forward copies of the results according to the victim's designation or, if no designation has been made, forward copies to the Victim Witness Coordinator's office. The Victim Witness Coordinator shall notify the victim's designated professional that the results are being forwarded and instruct the victim to set a time to receive the results in person. 	
Oregon	<ul style="list-style-type: none"> • Persons charged with or convicted of a crime in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved. • Youth offenders who are within the Juvenile Court's jurisdiction for having committed an act from which it appears that the transmission of body fluids from one person to another may have been involved or a sexual act may have occurred. The court may not order the adjudicated youth or the parent or guardian of the adjudicated youth to pay for or reimburse any agency for the cost of the test. 	<ul style="list-style-type: none"> • Upon request by the victim or the parent or guardian of a minor or incapacitated victim, the district attorney will petition for a court order requiring a test for HIV and any other communicable disease if the person charged does not give consent or fails to submit to a test. The court will order testing if it determines there is probable cause to believe that: <ul style="list-style-type: none"> • the person charged committed the crime; and • the victim has received a substantial exposure, as defined by rule of the Oregon Health Authority. • Upon request by a victim or a parent or guardian of the victim, the court will order testing of a person convicted of any crime in which the court determines from the facts that the transmission of body fluids from one person to another was involved, if the person was not tested when charged, and the person does not consent to testing. 	<ul style="list-style-type: none"> • When charged, or upon conviction if not tested earlier. 	<ul style="list-style-type: none"> • The results are not a public record and shall be available only to: <ul style="list-style-type: none"> • The victim; • The parent or guardian of a minor or incapacitated victim; • The attending physician, physician associate or nurse practitioner designated by the victim to receive such results on behalf of the victim; • The Oregon Health Authority; and • The person tested. • The results are confidential and may not be divulged to any person not authorized by statute to receive the information. Any violation is a Class C misdemeanor. 	Or. Rev. Stat. Ann. §§ 135.139 and 419C.475.
Pennsylvania	<ul style="list-style-type: none"> • Individuals charged with rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, indecent assault, incest, or offenses against children involving sexual contact. 	<ul style="list-style-type: none"> • Upon request of the victim and with notice to the defendant, the attorney for the Commonwealth will make an application to the court for HIV-related testing, which application will be granted upon a finding of probable cause to believe there is a probable transmission of bodily fluids between a defendant and victim. 	<ul style="list-style-type: none"> • No later than 48 hours after filing of the bill of information (in the First Judicial District) or criminal information (in judicial districts other than the First Judicial District). • Alternatively, the victim may request that HIV-related testing be performed on the defendant at any point after this time period expires until 6 weeks after the date of conviction. In that event, the attorney for the Commonwealth shall make application to the court, at the request of the victim, with notice to the defendant, for HIV-related testing of the defendant. 	<ul style="list-style-type: none"> • Victim; • Defendant; • Attorney for the Commonwealth; • Health care providers treating the victim or the defendant; • Attorney for the defendant • The court; and • Any other individual designated by the court. 	35 Pa. Stat. §§ 7605, 7620.301-304.
Puerto Rico	<ul style="list-style-type: none"> • Individuals (including minors who incur offenses equal to these crimes) convicted of rape, conjugal sexual assault, incest, sodomy or lewd or indecent acts when committed by contact between the mouth and the penis, the mouth and the vagina or the mouth and the anus. 	<ul style="list-style-type: none"> • In the case of the crimes listed above, the judge may order an HIV test if the individual is convicted. • Note also that all persons sentenced to serve a prison term are required to undergo testing to determine "whether they suffer from 	<ul style="list-style-type: none"> • Upon conviction. 	<ul style="list-style-type: none"> • The health epidemiology technician of the Sexually-Transmitted Disease Control Program of the Department of Health and the victim. • With the prior authorization of the convicted person, the epidemiology technician, in coordination with Correctional Health, will summon and notify the 	P.R. Laws Ann. tit. 24, §§ 575-1, 576, and 578.

		<p>some sexually transmitted disease so that they may receive the necessary orientation and treatment and thus prevent its propagation, particularly [HIV].” This testing is required twice: initially at the time the convicted person enters the penal system, and again prior to the person’s release date.</p>		<p>spouse or consensual partner of such convicted person about the results of the tests conducted to detect AIDS.</p>	
Rhode Island	<ul style="list-style-type: none"> Any person who has admitted to or been convicted of or adjudicated wayward or delinquent by reason of having committed a sexual offense involving “sexual penetration” (sexual intercourse, cunnilingus, fellatio, and anal intercourse, or any other intrusion, however slight, by any part of a person’s body or by any object into the genital or anal openings of another person’s body, or the victim’s own body upon the accused’s instruction - emission of semen is not required), whether or not sentence or fine is imposed or probation granted. 	<ul style="list-style-type: none"> Available upon a court order upon the petition of the victim, immediate family members of the victim, or legal guardian of the victim. 	<ul style="list-style-type: none"> Upon admission, conviction or adjudication as wayward or delinquent by reason of having committed any sexual offense involving sexual penetration. 	<ul style="list-style-type: none"> Individual tested; Court; and Any victim who requests disclosure. 	R.I. Gen. Laws §§ 11-37-1, 11-37-17, 23-6.3-3 and 26-6.3-4.
South Carolina	<ul style="list-style-type: none"> Any person (adult or juvenile) charged with a criminal offense that involves the sexual penetration of the victim’s body or exposure of the victim to body fluids (as defined in the statute) during the commission of a criminal offense. In <i>State v. Honee</i>, 375 S.C. 106 (2007), the Supreme Court of South Carolina held that the State does not need to show probable cause that an offender has a disease before testing may be ordered, provided the statutory requirements have been met. 	<ul style="list-style-type: none"> At the request of the victim of a crime listed above (or the victim’s legal guardian), after the offender is charged, the solicitor must petition the court for an order to have the offender tested. 	<ul style="list-style-type: none"> As soon as practicable after the court order is issued but not later than 48 hours after the date the person is indicted for the offense or waives indictment for the offense, or, if the offender is subject to the jurisdiction of the family court, not later than 48 hours after the petition is filed with the family court alleging he is delinquent for committing the offense. If the offender cannot be located before the end of the 48 hour period, the 48 hour period is tolled until the offender is located by law enforcement. 	<ul style="list-style-type: none"> The solicitor who obtained the court order; The victim or the legal guardian of a victim who is a minor or is a person with intellectual disability or mentally incapacitated; The victim’s attorney; The offender and a juvenile offender’s parent or guardian (if applicable); The offender’s attorney; The state or local correctional facility where the offender is imprisoned (if the offender tests positive); and The Department of Health and Environmental Control (if the offender tests positive). 	S.C. Code Ann. § 16-3-740.
South Dakota	<ul style="list-style-type: none"> A crime in which, by force or threat of force, the defendant or juvenile compelled the victim to engage in sexual activity, where there is an exchange of blood, semen, or other body fluids. 	<ul style="list-style-type: none"> Available upon court order at the request of the victim, or a victim or witness assistant, or a law enforcement officer, provided that the court finds probable cause that the defendant or juvenile committed the offense and that there was an exchange of blood, semen, or other bodily fluids from the defendant or juvenile to the victim. 	<ul style="list-style-type: none"> A blood sample shall be taken within 48 hours of the date of the written request to the state’s attorney that the defendant or the juvenile be tested for HIV or, if later, the date on which the information, indictment, or petition was: <ul style="list-style-type: none"> (1) presented or filed, and the defendant or juvenile was taken into custody; or (2) served on the defendant or juvenile. <p>If the court orders a search warrant, the Department of Health shall initiate the test within 48 hours after it receives the blood sample.</p>	<ul style="list-style-type: none"> The victim or the law enforcement officer and the person tested. 	S.D. Codified Laws §§ 23A-35B-1 to 23A-35B-7.
Tennessee	<ul style="list-style-type: none"> Any person initially arrested for rape, aggravated rape, mitigated statutory rape, statutory rape, aggravated statutory rape, rape of a child, aggravated rape of a child, or statutory rape by an authority figure, or aggravated assault of certain law enforcement officers and emergency medical personnel in the course of their official duties. 	<ul style="list-style-type: none"> For aggravated assault, if the victim of the assault suffered actual contact with the blood or other body fluid of the arrestee, testing is available upon request of the victim of the assault. For other crimes (e.g., aggravated rape, rape, mitigated statutory rape, statutory rape, rape of a child, aggravated rape of a child and statutory rape by an authority figure), testing is required, with or without the request of the victim. 	<ul style="list-style-type: none"> For aggravated assault, immediately upon request of the victim of the assault. For other crimes, immediately or not later than 48 hours after the presentation of information or indictment. 	<ul style="list-style-type: none"> The victim, law enforcement or emergency personnel, and the person tested. The statute permits disclosure of the test results to the parents/guardian of a minor/incapacitated victim, the attending physician of the arrestee and of the victim, department of health, department of corrections, and the prosecuting attorney. The result is not a public record. 	Tenn. Code Ann. §§ 39-13-102, 39-13-112, 39-13-502, 39-13-503, 39-13-506, 39-13-521, 39-13-522, 39-13,531 & 39-13,532.

Texas	<ul style="list-style-type: none"> Any person indicted for or who waives indictment for continuous sexual abuse of a young child or abused individual, indecency with a child, sexual assault, aggravated sexual assault. In most cases, "sexual assault" (other than with respect to a young child or children) includes penetration without the consent of the victim. 	<ul style="list-style-type: none"> Testing is available upon the court's own motion or upon the request of the victim. 	<ul style="list-style-type: none"> If the defendant refuses to submit voluntarily to testing, the court will require the defendant to submit to the test. Upon request of the victim, the court will order the defendant to undergo testing within 48 hours after indictment or defendant's waiver of indictment. If the victim requests the testing of the defendant and a law enforcement agency is unable to locate the defendant during the 48 hour period allowed for testing, the running of the 48 hour period is tolled until such defendant is located. 	<ul style="list-style-type: none"> The test results are first made available the local health authority, which must then make the results available to the victim and the defendant. 	<p>Tex. Penal Code Ann. §§ 21.01, 21.02, 21.11, 22.011, 22.021; and Tex. Code Crim. Proc. Ann. art. 21.31, 56A.001, 56A.052, 56A.401.</p>
Utah	<ul style="list-style-type: none"> Any person (including a juvenile) against whom an indictment, information, or petition is filed or regarding whom an arrest has been made for a sexual offense or an attempted sexual offense, including, but not limited to, sexual assault, sexual abuse, rape, or sexual abuse of a child, and for whom (a) a judge has signed an accompanying arrest warrant, pick up order or other order based upon probable cause regarding the alleged offense and (b) the judge has found probable cause to believe that the alleged victim has been exposed to conduct or activities that may result in an HIV infection as a result of the offense. "Sexual Offense" includes many offenses outlined in Utah Code Ann. § 76-5-401 et seq. In most cases, a "sexual offense" includes either penetration or touching. 	<ul style="list-style-type: none"> Testing is available by request of the alleged victim, the parent or guardian of an alleged minor victim, or the guardian of an alleged victim who is a vulnerable adult (an elderly adult or adult with mental or physical impairment as defined in §62A-3-301). 	<ul style="list-style-type: none"> If the alleged victim requests that the alleged offender be tested, such offender shall submit to testing within 48 hours after an information or indictment is filed or after an order requiring a test is signed. If the alleged victim requests that the alleged offender be tested more than 48 hours after the information or indictment is filed, such offender shall submit to being tested within 24 hours of such request. 	<ul style="list-style-type: none"> The alleged victim who requested the test, the parent or guardian of an alleged minor victim, the legal guardian of an alleged victim who is a vulnerable adult, the alleged offender, and the parent or legal guardian of a minor alleged offender. If follow-up testing is medically indicated, the results of follow-up testing of the defendant shall be provided to the same individuals indicated above. 	<ul style="list-style-type: none"> Utah Code Ann. §§ 53-10-801 to 53-10-804, 62A-3-301, 76-5-401 et seq., 77-37-3.
Vermont	<ul style="list-style-type: none"> Any person, including a juvenile, convicted of an offense involving a "sexual act" may be subject to testing for AIDS and other sexually-transmitted diseases. "Sexual act" means a criminal offense: <ul style="list-style-type: none"> where the underlying conduct of the offender constitutes conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another; and that creates a risk of transmission of the etiologic agent for AIDS to the victim as determined by the federal Centers for Disease Control and Prevention. 	<ul style="list-style-type: none"> Testing is available upon the victim's request following conviction or adjudication, in which case the State's Attorney shall petition the court on behalf of the victim for an order for AIDS testing. If the court determines that the offender was convicted or adjudicated of a crime involving a sexual act with the victim, the court shall order the test to be administered by the Department of Health in accordance with applicable law. 	<ul style="list-style-type: none"> Upon victim's request following conviction or adjudication of a crime involving a sexual act with the victim, the court shall order the test to be administered by the Department of Health. <ul style="list-style-type: none"> If appropriate under the circumstances, the court may include in its order a requirement for follow-up testing of the offender. An order for follow-up testing shall be terminated if the offender's conviction is overturned. After arraignment, a defendant who is charged with an offense involving a sexual act may offer to be tested for the presence of the etiologic agent for AIDS and other sexually-transmitted diseases. 	<ul style="list-style-type: none"> The results of the offender's test shall be disclosed only to the offender and the victim. The record of court proceedings and test results shall be sealed. 	<ul style="list-style-type: none"> Vt. Stat. Ann. tit. 13, Chapter 72, §§ 3251, 3256
Virgin Islands	<ul style="list-style-type: none"> Individuals charged or convicted of sexual offenses. "Sexual offense" means (A) unlawful sexual contact between the penis and vulva, or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight, or the mouth and the penis, the mouth and the vulva, or the mouth and the anus, and (B) the perpetration of any of the sexual offenses proscribed by Title 14, Virgin Islands Code. 	<ul style="list-style-type: none"> Testing is available upon indictment at the request of the victim if probable cause exists to conduct testing. Testing is available at the request of the victim upon conviction. 	<ul style="list-style-type: none"> Upon the issuance of a search warrant, pursuant to victim's request. 	<ul style="list-style-type: none"> The Chief Public Health Official shall disclose the results to the victim and the person who has been tested; provided, however, that when the victim, through court order, requests an HIV test of the convicted individual, the Chief Public Health Official shall deliver the test results in a sealed envelope to the court of competent jurisdiction. The Judge shall disclose the test results of the convicted individual to the victim. 	<p>V.I. Code Ann. Tit. 5 §§ 3910, 3911, 3912.</p>
Virginia	N/A	Not required.	N/A	N/A	N/A
Washington	N/A	N/A	N/A	N/A	N/A

West Virginia	<ul style="list-style-type: none"> • Individuals charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation. 	<ul style="list-style-type: none"> • Testing is required upon court order. 	<ul style="list-style-type: none"> • Upon being charged; and • Upon conviction. 	<ul style="list-style-type: none"> • Test results are disclosed to (i) the victim (or the victim's parent/legal guardian if the victim is a minor) at the request of the victim or victim's parent/legal guardian and (ii) the offender. • For charged individuals, the results are sent to the clerk of the court, with a copy to the prosecuting attorney and defendant's counsel. • Disclosure may also be made to persons who may have been exposed, such as spouses or sexual partners. • The HIV-related test results obtained from the convicted person are to be transmitted to the court and, after the convicted person is sentenced, made part of the court record. If the convicted person is placed in the custody of the Division of Corrections, the court shall transmit a copy of the convicted person's HIV-related test results to the Division of Corrections. • The HIV-related test results shall be closed and confidential and disclosed only by the Division of Corrections in accordance with law. 	<ul style="list-style-type: none"> • W. Va. Code §§ 16-3C-1 through 16-3C-3; WV ADC § 64-64-4; and • See also the West Virginia Protocol for Responding to Victims of Sexual Assault: http://www.fris.org/Resources/PDFs/Books/WVProtocol.pdf
Wisconsin	<ul style="list-style-type: none"> • Individuals (including juveniles) indicted for sexual assault, sexual assault of a child, repeated acts of sexual assault of the same child, sexual exploitation of a child, sexual assault of a child placed in substitute care, incest with a child, and sexual assault of a child by a school staff person. 	<ul style="list-style-type: none"> • The district attorney must apply to the circuit court of his or her county to order the defendant to submit to an HIV test and to a test or a series of tests to detect the presence of a sexually transmitted disease if (i) the district attorney has probable cause to believe that the alleged victim or victim has had contact with body fluid of the defendant that constitutes a significant exposure; and (ii) the victim (or parent or guardian if the victim is a minor) requests the district attorney to apply for a court order. • Testing is available upon the victim's request, if the victim is an adult (or parent's or guardian's request if the victim is a child) following a court order (and finding of probable cause). 	<ul style="list-style-type: none"> • Testing may occur after the district attorney applies for an order at any of the following times: <ul style="list-style-type: none"> • at or after the initial appearance and prior to preliminary examination; • if the defendant waives preliminary examination at any time after the defendant is indicted and before a verdict is rendered; • at any time after conviction or found not guilty by reason of mental disease or defect; or • at any time after a court finds that the defendant is not competent to proceed and suspends the criminal proceedings. • In the case of a juvenile offender, testing may occur after the district attorney applies for an order at any of the following times: <ul style="list-style-type: none"> • at or after the plea hearing and before a dispositional order is entered; • at any time after the juvenile is adjudicated delinquent or found to be in need of protection or services; • at any time after the juvenile is found not responsible by reason of mental disease or defect; or • at any time after a determination that the juvenile is not competent to proceed. 	<ul style="list-style-type: none"> • Results are disclosed to the defendant, the victim (or the victim's parent/guardian if the victim is a minor), and the victim's health care provider (upon request of the victim or his/her parent/guardian if the victim is a minor). • In the case of a juvenile offender, results are disclosed to the parent, guardian or legal custodian of the juvenile, to the victim (or the victim's parent/guardian if the victim is a minor), to the juvenile's health care provider (upon request by the parent, guardian or legal custodian of the juvenile), and to the victim's health care provider (upon request of the victim or his/her parent/guardian if the victim is a minor). • The test results must not be made part of the defendant's permanent medical record. 	<ul style="list-style-type: none"> • W.S.A. §§ 938.296, 938.346, 938.371, 950.04; 968.38; • <i>State v. Parr</i>, 513 N.W. 2d 647 (Wis. Ct. App. 1994)
Wyoming	<ul style="list-style-type: none"> • Any person accused of a crime where it is alleged that there has been an exchange of bodily fluids. • Any person convicted of a sex offense (defined to include sexual assault, attempted sexual assault, conspiracy to commit sexual assault, incest, or sexual abuse of a minor). 	<ul style="list-style-type: none"> • For pre-conviction testing, available at the request of the victim upon a showing of probable cause (or upon consent of accused). • Upon conviction, available at the request of the victim pursuant to a court order. 	<ul style="list-style-type: none"> • For pre-conviction testing: <ul style="list-style-type: none"> • available upon consent of a person accused of any crime where it is alleged that there was an exchange of bodily fluids, with testing to occur as soon as practicable, but not later than 48 hours after the date on which the information or indictment is presented; or 	<ul style="list-style-type: none"> • Results are disclosed to the victim or alleged victim, or if the victim or alleged victim is a minor, to parent or guardian of the victim or alleged victim. • All results are confidential, are not admissible as evidence, and shall not be disclosed except: (1) to the victim in accordance with the law; (2) in a civil action for the negligent or intentional infliction of or exposure to a sexually transmitted disease; (3) in a criminal prosecution for the criminal infliction of or 	Wyo. Stat. §§ 7-1-109.

•for cases in which the person is accused of any crime where it is alleged that there was an exchange of bodily fluid and the accused person is unwilling or unable to give consent, the court may, by warrant upon a sufficient showing of probable cause by affidavit, order testing, which shall be conducted as soon as practicable, but no later than 48 hours after the date on which the information or indictment is presented.

•Upon conviction, at the request of the victim pursuant to court order, testing will occur as soon as practicable, but not later than 48 hours after conviction.

exposure to a sexually transmitted disease; or (4) as otherwise provided by law.