

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"> Defendant charged with the crime of 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 upon entering the facility, regardless of what offense they may have committed. The results of the test are available post-conviction. 	<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. 	<ul style="list-style-type: none"> Code of Ala. §§ 13A-6-60-67, 15-23-100-104, 22-11A-17; Ala. Admin. Code r. 420-4-1-.08.
Alaska	<ul style="list-style-type: none"> A defendant charged in a criminal complaint, indictment, presentment or information filed with a magistrate or court (or a minor with respect to whom a petition has been filed in juvenile court) with 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. 	<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. <ul style="list-style-type: none"> Court may rely exclusively on evidence presented at a grand jury proceeding or preliminary hearing. A court may not order testing: <ul style="list-style-type: none"> Before 7 days after the defendant 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 test could be ordered under the statute; or If the defendant is convicted or adjudicated delinquent or in need of aid, after 90 days after the issuance of the judgment and 	<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 results shall be provided to the officer in charge and the chief medical officer of the facility. 	<ul style="list-style-type: none"> Alaska Stat. §§ 11.41.410-50, 11.81.900, 18.15.300-320.

			sentence or of the judgment in a juvenile action.		
Arizona	<ul style="list-style-type: none"> •A defendant, including a defendant who is a minor, who is alleged to have committed 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"> •Testing is done on a defendant alleged to have committed a "sexual offense" or another offense involving "significant exposure" and after a court order has been issued. •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. 	<ul style="list-style-type: none"> •A.R.S. §§ 8-341, 13-1401, 13-1415, 36-664,666-68
Arkansas	<ul style="list-style-type: none"> •Any person arrested and charged with rape, 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 prior to the defendant's conviction, but mandatory under court order upon the request of the victim and the conviction of the defendant. 	<ul style="list-style-type: none"> •Testing may be ordered at the arrest and charging stage (pre-conviction) 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 mandatory. 	<ul style="list-style-type: none"> •The tests results are released to the victim and the defendant, but are otherwise kept confidential. 	<ul style="list-style-type: none"> •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 defendant charged in any criminal complaint filed with a magistrate or court, or any minor with respect to whom a petition has been filed in a juvenile court alleging, sexual offenses including rape, sodomy, and certain offenses and attempted 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"> •Available upon request of the alleged victim after charging and upon finding by the court of probable cause. •Testing is required upon conviction. 	<ul style="list-style-type: none"> •Prior to conviction, only after finding of probable cause by the court. •After conviction, within 180 days. 	<ul style="list-style-type: none"> •The local health officer is responsible for disclosing the test results to the victim who requested the test, and the accused who was tested. <ul style="list-style-type: none"> •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. 	<ul style="list-style-type: none"> •Cal. Pen Code §§ 220, 261, 261.5, 262, 264.1, 266c, 269, 286, 287, 288, 288.5, 289, 289.5, 1202.1, 1524.1. •Cal. Health & Safety Code §§ 121055, 121065.

Colorado	<ul style="list-style-type: none"> Any adult or juvenile who is bound over for trial for any sexual offense involving sexual penetration. <ul style="list-style-type: none"> "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 bound over for trial for any sexual offense involving sexual penetration disclosure is limited to victims who specifically request disclosure. 	<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. <ul style="list-style-type: none"> 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). Any such allegation must be kept confidential from the jury and under seal of court. 	<ul style="list-style-type: none"> C.R.S.A. § 18-3-401, 415, 415.5, 25-4-410.
Connecticut	<ul style="list-style-type: none"> Individuals accused or convicted of 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. 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. 	<ul style="list-style-type: none"> Conn. Gen. Stat. Ann. §§ 19a-581-590; 53-21; 53a-65-89; 54-102a; 54-102b; 54-102c.
Delaware	<ul style="list-style-type: none"> A person charged with 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. <ul style="list-style-type: none"> "Sexual intercourse" means: <ul style="list-style-type: none"> Any act of physical union of the genitalia or anus of one person with the mouth, anus or genitalia of another person, including rape and sodomy, regardless of ejaculation (it occurs upon any penetration, however slight); or Any act of cunnilingus or fellatio regardless of whether penetration occurs, regardless of ejaculation. 	<ul style="list-style-type: none"> Testing is available upon court order following the request of the victim. 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, deviate 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"> To the victim, 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 notification is made to the Department of Correction or the Department of Services to Children, Youth and Their Families for purposes 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. 	<ul style="list-style-type: none"> Del. Code Ann. tit. 10, §§ 1075-1077; Del. Code Ann. tit. 11 § 761; Del. Code Ann. tit. 11, §§ 3910-3913.

	<ul style="list-style-type: none"> • "Sexual contact" means under the circumstances as viewed by a reasonable person, any of the following when intended to be sexual in nature: <ul style="list-style-type: none"> • Any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; • 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. • "Sexual contact" also includes touching when covered by clothing. 				
District of Columbia	<ul style="list-style-type: none"> • Individuals convicted of any offense (including being adjudicated as a delinquent in a juvenile proceeding, entering 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. • No provision for testing is available for individuals who are not convicted of a required offense. 	<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. • 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. 	<ul style="list-style-type: none"> • D.C. Code §§ 22-3901-3902.
Florida	<ul style="list-style-type: none"> • Persons charged by information or indictment with, alleged by petition for delinquency, convicted of, or found guilty through a plea (including nolo contendere) to have committed 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, abuse or aggravated abuse of a child, elderly person, or disabled person, 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. 	<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 to, these enumerated offenses 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 or the victim's legal guardian. • 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 within two weeks after the court receives the results, upon the request of the victim or victim's legal guardian. <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Fla. Stat § 775.0877, 960.003.
Georgia	<ul style="list-style-type: none"> • Defendants arrested or convicted 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 	<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 upon showing of probable cause that the person arrested for the offense committed the alleged crime and that significant exposure occurred. • Testing is required upon a guilty verdict or plea of 	<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 	<ul style="list-style-type: none"> • Ga. Code Ann. §§ 17-10-15, 31-22-9.1.

	<p>molestation, prostitution, solicitation of sodomy, incest, statutory rape or any drug related offense involving heroin, cocaine, derivatives or 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. • Testing for sexually transmitted diseases is required as a condition of probation or a suspended sentence for the defendant upon a verdict or plea of guilty or a plea of nolo contendere to the offense of pandering. The defendant must submit to testing within 45 days of the verdict or plea and consent to release of the test results to the defendant's spouse if the defendant is married. If the defendant is not a resident of the state, testing shall be done immediately and defendant will remain in the custody of the court until the testing is completed. <ul style="list-style-type: none"> • "Pandering" is defined as soliciting a person to perform an act of prostitution in his own behalf or in behalf of a third person or when he/she knowingly assembles persons at a fixed place for the purpose of being solicited by others to perform an act of prostitution 	<p>guilty to any AIDS transmitting crime.</p>		<p>incompetent person;</p> <ul style="list-style-type: none"> • the court that ordered the test for inclusion in the infected person's criminal record (that report shall be sealed by the court); and • 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. 	
<p>Guam</p>	<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 deferred admission status for criminal sexual conduct. • "Criminal sexual conduct" is defined as engaging in sexual penetration when any of the following circumstances exist: <ul style="list-style-type: none"> • The victim is under 14 years old; • The victim is at least 14 but less than 16 years old and the actor is a member of the same household as the victim, is related to the victim, or is in a position of authority over the victim and used this authority to coerce the victim 	<ul style="list-style-type: none"> • Testing is required for convicted adults. • Testing is conducted upon victim request for convicted juveniles (tried as an adult). 	<ul style="list-style-type: none"> • Upon conviction. 	<ul style="list-style-type: none"> • The victim and the convicted person. 	<ul style="list-style-type: none"> • 8 Guam Code Ann. §§120.60; 3330.

	<ul style="list-style-type: none"> to submit; •Sexual contact occurs under circumstances involving the commission of any other felony; •The actor is aided or abetted by one or more persons and there is reason to know the victim is mentally defective, incapacitated or helpless, or actor uses force or coercion to accomplish the contact; •The actor is armed with a weapon •The actor causes personal injury to the victim and force or coercion is used to accomplish contact 				
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 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. •Charged or convicted person also receives results. 	<ul style="list-style-type: none"> •Haw. Rev. Stat. §§ 325-16(c)(7)-(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 who are charged with a sex offense and/or a crime in which bodily fluid has likely been transmitted to another, or other charges recommended by public health authorities, and for all persons charged with any crime involving the use of injectable drugs shall be tested for HIV. <ul style="list-style-type: none"> •"Body fluid" means semen, blood, saliva, vaginal secretion, breast milk, and urine. •"Transfer" means engaging in sexual activity by genital-genital contact, oral-genital contact, anal-genital contact; or permitting the use of hypodermic syringe, needle.... •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, and for all persons charged with any crime involving the use of injectable drugs. •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 facility, testing occurs again if public health authorities or the jailer believes the individual has been exposed to HIV, and again upon the offender's request before release. •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, the victim's parent, guardian or legal custodian. •All positive HIV test results are required to be reported to the Department of Health within three days. 	<ul style="list-style-type: none"> •Idaho Code §§ 39-601, 39 – 39-6010. •Idaho Admin. Code r. 16.02.10.360.

<p>Illinois</p>	<ul style="list-style-type: none"> •For adults: upon conviction of exploitation of a child, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse or aggravated criminal sexual abuse. •For juveniles: any minor found guilty for an act which would constitute predatory criminal assault of a child, aggravated sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse, if committed by an adult. •For anyone accused of: criminal sexual assault, aggravated criminal sexual assault or predatory criminal sexual assault of a child. 	<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 or after a hearing at which probable cause has been shown that the defendant committed the prohibited act. 	<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, 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. •If requested by the victim, the victim must be notified. <ul style="list-style-type: none"> •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, if applicable. •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. <ul style="list-style-type: none"> •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. The judge has discretion to determine who else receives the results. •For those accused or charged, test results are provided to the judge who reviews the results in camera and who has discretion to determine who receives the results of the testing. •A prosecutor may petition the court to obtain HIV test results for the purposes of prosecuting a charge of criminal transmission of HIV. 	<ul style="list-style-type: none"> •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.
<p>Indiana</p>	<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" means any offense in which a bodily fluid is transmitted from the defendant to the victim during the offense. •An indictment or information charging 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 may request testing but it is in the court's discretion. •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"> •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 parents/guardians if a minor. •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 if victim is a minor 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. 	<ul style="list-style-type: none"> •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 or an "alleged offender" to be deemed a "significant exposure." • "Sexual abuse" means any sex act between persons when: (1) 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. • "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. • "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, 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. 	<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's counselor or a person requested by the victim who is authorized to provide counseling. • The results are also disclosed to the physician who performed the test, the victim, the physician of the victim (if requested by the victim), and 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 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. • 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 seven days of the receipt of diagnosing a person as having AIDS or an AIDS-related condition, the diagnosing physician must make a report to the Department of Public Health. 	<ul style="list-style-type: none"> • Iowa Code §§ 141A.6, 141A.7, 141A.9, 709.1, 915.40, 915.42 and 915.43.
Kansas	<ul style="list-style-type: none"> • A person 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 person convicted of a crime 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 	<ul style="list-style-type: none"> • For those arrested and charged, testing is required at the request of the victim 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 also required if the victim or 	<ul style="list-style-type: none"> • Testing is available when an alleged offender is arrested or charged and also after conviction. • Testing shall occur not later than 48 hours after an alleged offender appears before a magistrate. • 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 	<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, the parent/legal guardian of the victim, 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 	<ul style="list-style-type: none"> • Kan. Stat. Ann. §§ 38-2317, 65-6001, 65-6008, 65-6009.

	<p>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.</p> <ul style="list-style-type: none"> •Applies to both adult and juvenile offenders. 	<p>parent/guardian/custodian of the victim (if the victim is a minor) requests testing.</p>	<p>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.</p>	<p>counselor designated by the victim (or parent/guardian/custodian if the victim is a minor) to receive the testing results information on the victim's behalf.</p> <ul style="list-style-type: none"> •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. 	
Kentucky	<ul style="list-style-type: none"> •A defendant charged with 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, shall upon initial court appearance on the charge, be informed of the availability of testing. The victim shall also be informed of defendant's notification of testing. •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 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. 	<ul style="list-style-type: none"> •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 a "sexual offense as defined in La. Rev. Stat. § 14:42-43.3" which includes first degree rape, second degree rape, third degree rape, sexual battery, misdemeanor sexual battery, second degree sexual battery and 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. 	<ul style="list-style-type: none"> •La. Rev. Stat. §§ 14:42-43.3, 14:43.5, 15:535. •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" or "Sexual act" means: <ul style="list-style-type: none"> •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; •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 	<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 that person 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 that person 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. 	<ul style="list-style-type: none"> •Me. Rev. Stat. Ann. tit. 5, §§ 19203-A, 19203-F, 19204-A. •Me. Rev. Stat. Ann. tit. 17-A § 251.

	<p>other, or direct physical contact between the genitals of one and the genitals of the other; or</p> <ul style="list-style-type: none"> • 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 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). • The court will order a person to give a blood sample to be tested for HIV 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 results 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, testing is available upon court order at the written request of the victim. • For those convicted, available upon court order at the request of the victim. • "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. 	<ul style="list-style-type: none"> • For those charged, upon the victim'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 and the accused may appear 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 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. 	<ul style="list-style-type: none"> • Md. Code Ann., Crim. Proc. §§ 11-107 – 11-117. • Md. Code Regs. 10.52.10.02 – 10.52.10.07; 10.18.02.06.
Massachusetts	<ul style="list-style-type: none"> • Testing is always voluntary. 	<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, particularly venereal diseases. <ul style="list-style-type: none"> • "Venereal diseases" is not defined. • HIV testing is voluntary. 	<ul style="list-style-type: none"> • Upon incarceration. 	<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. 	<ul style="list-style-type: none"> • Mass. Gen. Laws ch. 111 §§ 70-E, 70-F; ch. 127 § 16. • 105 Mass. Regs. Code 205.101; 205.200.

Michigan	<ul style="list-style-type: none"> •An individual arrested and charged with violating sections prohibiting prostitution may upon order of the court be examined or tested. •Individuals charged with gross indecency, solicitation, prostitution, criminal sexual conduct (first, second, third, or fourth degree) and assault with intent to commit criminal sexual misconduct <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 of 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 his/her parent/guardian if the victim is a minor) must consent to her/his address and contact information being provided to the entity conducting the test, so that the victim can receive the results. 	<ul style="list-style-type: none"> •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 offender’s semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit HIV. •“Sexual penetration” means any of the following acts committed without the complainant’s consent, except in cases where consent is not a defense, whether or not emission of semen occurs: <ul style="list-style-type: none"> •Sexual intercourse, cunnilingus, fellatio, or anal intercourse •Any intrusion however slight into the genital or anal openings: <ul style="list-style-type: none"> •Of the complainant’s body by any part of the actor’s body or any object used by the actor for this purpose •Of the complainant’s body by any part of the body of the complainant, by any body part of a third person, or by any object used by the complainant or third person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years old or mentally impaired; or •Of the body 	<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. •Unless the test subject is an inmate at a state correctional facility, any test results given to a victim or victim’s parent or guardian shall be provided by a health professional who is trained to provide the counseling recommended by the U.S. Public Health Service. •If the test subject is an inmate, test results shall be given by the Department of Corrections’ medical director to the victim’s health care provider who must give the test results to the victim or victim’s parent or guardian. 	<ul style="list-style-type: none"> •Minn. Stat. Ann. §§ 611A.19.

	<p>of the actor or another person by any part of the body of the complainant or by an object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years old or mentally impaired.</p>				
Mississippi	<ul style="list-style-type: none"> Any person who is convicted of a "sex offense" on or after July 1, 1994 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 on or after July 1, 1994, 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, shall be tested for HIV and AIDS. Every person who is arrested for the commission of any sex crime against a minor as provided in the Mississippi Child Protection Act of 2012 shall be tested for HIV and AIDS. "Sex offense" and "sex crime against a minor" includes 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; the attempt to commit any of the above offenses; procuring sexual servitude of a minor; 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. Available upon victim's request if the 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. For individuals arrested for commission of any sex crime against a minor, test shall be administered upon arrest but no later than 24 hours after arrest. 	<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. 	<ul style="list-style-type: none"> Miss. Code Ann. §§ 99-3-41, 99-19-201, 99-19-203, 99-37-25, 43-21-623, 45-33-23.
Missouri	<ul style="list-style-type: none"> Any person arrested for prostitution-related offense, who has been found guilty of a prior prostitution-related offense may, within the sound discretion of the court, be required to undergo HIV testing as a condition precedent to the issuance of bond for the offense. Individuals accused of 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 sex organ by the male sex organ, whether or not an emission 	<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. Any person who is convicted or pleads guilty or nolo contendere to any sexual offense which includes a sexual act as an element of the offense shall be ordered by the court to undergo testing prior to incarceration without the right of refusal. 	<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 his or her 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 or prosecutorial purposes. The administrator of the jail or correctional facility in which the defendant is 	<ul style="list-style-type: none"> Mo. Ann. Stat. §§ 191.226; 191.656, 191.659; 191.663; 566.010; 545.940; 567.120.

	<p>results.</p> <ul style="list-style-type: none"> • "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 male or female sex organ 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 convicted 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. 			<p>confined shall also have access to the test results.</p>	
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. <ul style="list-style-type: none"> • "Sexual offense" includes any violation of or attempt, solicitation, or conspiracy to commit a violation of incest, sexual abuse of children, sexual assault, sexual intercourse without consent, or sexual servitude. • "Convicted" includes a juvenile adjudicated a delinquent youth or a youth in need of intervention. 	<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. 	<ul style="list-style-type: none"> • Mt. Code Ann. §§ 46-18-256, 46-23-502(9).
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 shall include 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 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. 	<ul style="list-style-type: none"> • Neb. Rev. Stat. Ann. § 29-2290.
Nevada	<ul style="list-style-type: none"> • Any person who is arrested for engaging in prostitution or solicitation for prostitution • If the alleged victim or a witness to a crime alleges that the crime involved sexual penetration of the victim's body. <ul style="list-style-type: none"> • "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part 	<ul style="list-style-type: none"> • Testing is required. • Each offender committed to the Department for imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to HIV. 	<ul style="list-style-type: none"> • As soon as practicable after the arrest of the person alleged to have committed the crime, but not later than 72 hours after the person is charged with the crime by indictment or information or, if the person alleged to have committed the crime is a juvenile, not later than 72 hours after the petition is filed with the juvenile court alleging that the child is delinquent for 	<ul style="list-style-type: none"> • The victim or the victim's parent or guardian if the victim is a child. • The arrested person or the parent or guardian if the arrested person is a child. 	<ul style="list-style-type: none"> • Nev. Rev. Stat. Ann. §§ 441A.320, 200.364; 201-356; 209-385.

	of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.		committing such an act.		
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 (if the individual is convicted). 	<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. Office of victim/witness assistance is authorized to disclose test results to the county attorney victim/witness advocates and to the victim. Victim may be notified whether or not victim requested notification. 	<ul style="list-style-type: none"> 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"> Available upon request of the victim. 	<ul style="list-style-type: none"> After a victim requests and the prosecutor submits an application, the court shall require testing to be performed as soon as practicable. If the victim makes the request prior to or at the time of indictment, or accusation if the defendant has waived the right to an indictment, the court order shall require the testing be performed within 48 hours. 	<ul style="list-style-type: none"> To the offender and the office of victim-advocacy. Office of victim-advocacy shall notify the victim or make appropriate arrangements for the victim to be notified. 	<ul style="list-style-type: none"> N.J. Stat. Ann. §§ 2A:4A-43.1; 2A:4A-43.4; 2C:14-2; 2C:43-2.2; 2C:43-2.3; 26:5C-9; 52:4B-44.
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; Contact between the mouth and anus; or When the court determines from the facts of the case that there was transmission or likelihood of blood, semen, or vaginal secretions from the offender to the victim. Or, for persons convicted of such a 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 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. Except as authorized by law, 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. 	<ul style="list-style-type: none"> 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 where an indictment or a superior court information has been filed with a superior court relating to, a felony offense where "sexual intercourse," "oral sexual conduct," or "anal sexual conduct" is a required element. <ul style="list-style-type: none"> "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight. "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, anus, vulva, or vagina. "Anal sexual conduct" means 	<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. <ul style="list-style-type: none"> In cases where an indictment or information has been filed, such request must be made prior to or within 6 months of the date of the crimes charged and prior to or within 48 hours of the indictment or filing of information with the superior court. In cases where a defendant has been convicted, such request must be made prior to or within 10 days after entry of the offender's conviction. In cases where an indictment or information has been filed, testing of the defendant shall be ordered when the result 	<ul style="list-style-type: none"> For an alleged offender, testing must be done within 48 hours of the date on which the court ordered the testing. For a convicted offender, testing must be done within 15 days of the date on which the court ordered the testing. 	<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. Redislosure of such information will be 	<ul style="list-style-type: none"> N.Y. Penal Law § 130.00. N.Y. Crim. Proc. Law § 210.16 and 390.15. N.Y. Pub. Health Law art. 27-F, § 2785-A. NY Family Court Act § 347.1.

	<p>conduct between persons consisting of contact between the penis and anus.</p>	<p>would provide medical or psychological benefit to the victim.</p> <ul style="list-style-type: none"> •Medical benefit shall be found when the following elements are satisfied: <ul style="list-style-type: none"> •A decision is pending about beginning, continuing, or discontinuing a medical intervention for the victim; and •The result of an HIV test of the accused could affect that decision, and could provide relevant information beyond that which would be provided by an HIV test of the victim. •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), for good cause shown. 		<p>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.</p> <ul style="list-style-type: none"> •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 	
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. 	<ul style="list-style-type: none"> •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 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 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 of persons charged with a sex offense listed above is available upon petition of the victim, or the prosecuting attorney at the written request of victim. 	<ul style="list-style-type: none"> •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. •The victim can only disclose the defendant's test results as necessary to obtain medical or psychological care or advice. 	<ul style="list-style-type: none"> •N.D. Cent. Code Ann. §§ 23-07.7-01; 23-07.7-02; 23-07-07.5.
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 	<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, or information, or complaint is presented. 	<ul style="list-style-type: none"> •The court that ordered testing, the victim, the parent or guardian of the victim, or 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. 	<ul style="list-style-type: none"> •Ohio Rev. Code Ann. §§ 2907.27; 3701.242-243. •Ohio Admin. Code 3701-3-11.

	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.				
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"> Testing is required upon arrest for an offense listed above. Such person may be detained until the results of the examination are known. 	<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 (if a rapid test site is available). 	<ul style="list-style-type: none"> 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, if no designation has been made, to the Victim Witness Coordinator. 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. 	<ul style="list-style-type: none"> Okla. Stat. Ann. §§ 63-1-524.1, 63-1-525.
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. 	<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 may petition for a court order requiring a test for HIV 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 victim, the parent or guardian of a minor or incapacitated victim, the attending physician, physician assistant or nurse practitioner designated by the victim to receive such results on behalf of the victim, the Oregon Health Authority, and the person tested. 	<ul style="list-style-type: none"> 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 or criminal information. Alternatively, in the event a victim fails to request HIV-related testing of the defendant within the 48 hours, the victim may request testing be performed on the defendant up until 6 weeks after the date of conviction. 	<ul style="list-style-type: none"> The victim, the defendant, the attorney for the commonwealth, health care providers treating the victim or the defendant, the attorney for the defendant, the court, and any other individual designated by the court. 	<ul style="list-style-type: none"> 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. 	<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 spouse or consensual partner of such convicted person about the results of the tests conducted to detect AIDS. 	<ul style="list-style-type: none"> P.R. Laws Ann. tit. 24, §§ 576 and 578.

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," whether or not sentence or fine is imposed or probation granted. <ul style="list-style-type: none"> "Sexual penetration" is defined as 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. Any person convicted of a violation of provisions relating to the criminal offense of commercial sexual activity. <ul style="list-style-type: none"> "Commercial sexual activity" means any sexual conduct which is performed or promised in return for a fee. 	<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"> In cases involving commercial sexual activity, testing is required upon conviction. 	<ul style="list-style-type: none"> Upon admission, conviction or adjudication as wayward or delinquent. 	<ul style="list-style-type: none"> Results are reported to the court, which shall then disclose the results to any victim of the sexual offense who requests disclosure. The individual tested shall be informed of their results. 	<ul style="list-style-type: none"> R.I. Gen. Laws §§ 11-37-1, 11-37-17 and 23-6.3-3.
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 during the commission of a criminal offense. <ul style="list-style-type: none"> "Body fluid" means blood, amniotic fluid, pericardial fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, or vaginal secretions, or any body fluid visibly contaminated with blood. 	<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"> An offender must be tested 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. If the offender is subject to the jurisdiction of the family court, he must be tested 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. If, for any reason, the testing described above has not been undertaken, upon request of the victim or the victim's legal guardian the court shall order the offender to undergo testing following conviction or delinquency adjudication. 	<ul style="list-style-type: none"> The solicitor who obtained the court order, who as soon as practicable, shall notify the victim or the legal guardian of a victim, the victim's attorney, the offender and a juvenile offender's parent or guardian, and the offender's attorney. If the offender tests positive the results shall also be disclosed to the state or local correctional facility where the offender is imprisoned and the Department of Health and Environmental Control. 	<ul style="list-style-type: none"> S.C. Code Ann. § 16-3-740.
South Dakota	<ul style="list-style-type: none"> Any person accused of rape, sexual assault, felony sexual contact (statutory rape), felony child abuse, sexual contact without consent, sexual exploitation of a minor, or simple assault, where the facts show a possibility of exchange of body fluids. Any person convicted of prostitution or solicitation of prostitution. 	<ul style="list-style-type: none"> Testing is available upon court order at the request of the victim, a victim or witness assistant, or a law enforcement officer. In cases of prostitution or solicitation, testing is required and shall be done with or without consent. 	<ul style="list-style-type: none"> If the court orders a search warrant for the purpose of taking a blood sample, the Department of Health shall initiate the test within 48 hours after it receives the blood sample. 	<ul style="list-style-type: none"> The victim or the law enforcement officer and the person tested. Any person who may have had sexual relations with or otherwise exchanged bodily fluids with the tested person may petition the court to receive the results of the HIV test. <ul style="list-style-type: none"> The court shall hold a hearing at which both the petitioner and the tested person may be present. If the court finds probable cause that there was an exchange of blood, semen, or other bodily fluids, the court may issue an order releasing the test results to the petitioner. 	<ul style="list-style-type: none"> S.D. Codified Laws §§ 23A-35b-1 to 23A-35b-13.

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. Any person initially arrested for aggravated assault if the victim suffered actual contact with the blood or other body fluid of the arrestee. <ul style="list-style-type: none"> Limited to law enforcement officers, firefighters, correctional officers, youth service officers, probation and parole officers, and employees of department of corrections or children's services, provided the officer or employee was performing official duties. Any person convicted of prostitution or patronizing a prostitute. 	<ul style="list-style-type: none"> For aggravated assault, testing is available upon request of the victim of the assault. For other crimes, 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 presentment of information or indictment. 	<ul style="list-style-type: none"> Results of the testing to be provided immediately to the victim by the medical laboratory. The results shall also be available to the parent or guardian of the victim, the attending physician of the person tested and the victim, the department of health, the department of correction, the person tested, and the district attorney general prosecuting the case. For cases involving prostitution, the defendant shall return a certified copy of the test results to the court. 	<ul style="list-style-type: none"> Tenn. Code Ann. §§ 39-13-112 & 39-13-521.
Texas	<ul style="list-style-type: none"> Any person indicted or who waives indictment for continuous sexual abuse of or indecency with a young child or children, sexual assault, aggravated sexual assault. A child found to have engaged in delinquent conduct including sexual assault, aggravated sexual assault, or indecency with a child. In most cases, "sexual assault" (other than with respect to a young child or children) is defined as the penetration of the anus, sexual organ, or mouth of the victim, or causing the sexual organ of the victim to contact or penetrate the mouth, anus, or sexual organ of another person 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"> 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 defendant refuses to submit voluntarily to testing, the court will require the defendant to submit to the test. 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 statute specifically permits disclosure only to the local health authority, which must then make the results available to the victim and the defendant. 	<ul style="list-style-type: none"> Tex. Penal Code Ann. §§ 21.01, 21.02, 21.11, 22.011, 22.021, 22.11. Tex. Code Crim. Proc. Ann. art. 21.31, 56.01, 56.02, 56.021, 56.06, 56.07. Tex Family Code § 54.033.
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 alleging the commission of a sexual offense or attempted sexual offense for whom a judge has signed an accompanying arrest warrant or other order based upon probable cause regarding the alleged offense and 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. <ul style="list-style-type: none"> "Sexual Offense" includes sexual abuse of a minor, rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, and custodial sexual misconduct. Depending on the offense being charged, penetration (however slight) or touching is generally sufficient to satisfy the relevant element of the offense. 	<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 vulnerable adult (an elderly adult or adult with mental or physical impairment as defined in §62A-3-301) victim. <ul style="list-style-type: none"> "Vulnerable adult" is defined as an elder adult or a dependent adult who has a mental or physical impairment that substantially affects that person's ability to: provide personal protection; provide necessities like food, shelter, clothing and healthcare; obtain services necessary for health, safety, or welfare; carry out the daily activities of living; manage the adult's own financial resources; or comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation. 	<ul style="list-style-type: none"> If the alleged victim requests that the 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 vulnerable adult victim; 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. §§ 62A-3-301, 76-5-401 et seq., 76-5-501 to 76-5-504, 77-37-3.

Vermont	<ul style="list-style-type: none"> Any person, including a juvenile, convicted or adjudicated delinquent 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 a sexual act; and Which 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. 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 or other sexually-transmitted diseases. 	<ul style="list-style-type: none"> 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. 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 acquired immune deficiency syndrome (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, §§ 3251, 3256
Virgin Islands	<ul style="list-style-type: none"> Individuals charged or convicted of sexual offenses. <ul style="list-style-type: none"> "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 (rape, aggravated rape, and unlawful sexual contact). 	<ul style="list-style-type: none"> Testing is available upon indictment at the request of the victim if probable cause exists. 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 of Public Health shall disclose the results to the victim and the person who has been tested. However, 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 and the Judge shall disclose the test results of the convicted individual to the victim. 	<ul style="list-style-type: none"> V.I. Code Ann. §§ 3910, 3911, 3912.
Virginia	<ul style="list-style-type: none"> A person or juvenile charged with sexual assault, sexual abuse of a child and related sexual offenses with a child, or any assault and battery in which victim was exposed to body fluids of the person arrested. Any person convicted of a prostitution, commercial sexual conduct, commercial exploitation of a minor, or crimes against nature. <ul style="list-style-type: none"> "Crimes against nature" include: carnal knowledge of an animal; performing or causing to be performed cunnilingus, fellatio, anilingus, or anal intercourse upon or by his daughter, son, grandchild, brother, sister, father or mother. 	<ul style="list-style-type: none"> Following arrest, testing is available upon request of the attorney for the Commonwealth and upon court order subsequent to a hearing to determine whether there is probable cause. Testing is also available upon a person's consent to submit to the test. 	<ul style="list-style-type: none"> The request is made as soon as practicable following arrest. For a juvenile, within 48 hours of a request by the attorney for the Commonwealth following indictment, arrest by warrant, or service of a petition in the case of a juvenile, of any crime involving sexual assault or any sexual offenses against children. 	<ul style="list-style-type: none"> The victim, the offender, the offender's spouse (if any), and the offender's parents or legal custodian (if the offender is a minor). The results of the tests for infection with HIV shall be confidential and shall not be admissible as evidence in any criminal proceeding. 	<ul style="list-style-type: none"> Va. Code Ann. §§ 18.2-61, 18.2-62, 18.2-361, 18.2-366, 18.2-370, 18.2-370.1, 32.1-36.1, 32.1-58
Washington	<ul style="list-style-type: none"> Any person convicted of rape (in the first, second, or third degree), rape of a child (in the first, second, or third degree), child molestation (in the first, second, or third degree), sexual misconduct with a minor in the first degree, indecent liberties or custodial sexual misconduct in the first degree. Any person convicted of prostitution or offenses related to prostitution. 	<ul style="list-style-type: none"> Testing is required upon conviction. 	<ul style="list-style-type: none"> Testing shall be conducted as soon as possible after sentencing, but in no case more than 72 hours after the court order. 	<ul style="list-style-type: none"> Upon request of the victim, disclosure of test results to the victim must be made if the result is positive or negative. The county prosecuting attorney shall notify the victim of the right to such disclosure. 	<ul style="list-style-type: none"> RCWA Ch. 9A.44, and §§ 70.02.220, 70.24.340; and Matter of Juveniles A, B, C, D, E, 121 Wash.2d 80 (1993).

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 the offender and the victim (or the victim's parent/guardian if the victim is a minor) at the request of the victim or victim's legal guardian. •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; 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, sexual assault of a child placed in substitute care, and sexual assault of a child by a school staff person. 	<ul style="list-style-type: none"> •Testing is available upon the victim's request. 	<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). 	<ul style="list-style-type: none"> •W.S.A. §§ 938.296, 938.346, 938.371, 968.38.
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: <ul style="list-style-type: none"> •Available upon consent of a person accused, or •In cases where the accused person is unwilling or unable to give consent, the court may, by warrant upon a sufficient showing of probable cause, order testing. •Upon conviction, available at the request of the victim pursuant to a court order. 	<ul style="list-style-type: none"> •Testing will occur as soon as practicable, but not later than 48 hours after the date on which the information or indictment is presented, or conviction. 	<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: <ul style="list-style-type: none"> •To the victim in accordance with the law; •In a civil action for the negligent or intentional infliction of or exposure to a sexually transmitted disease; •In a criminal prosecution for the criminal infliction of or exposure to a sexually transmitted disease; or 	<ul style="list-style-type: none"> •Wyo. Stat. §§ 7-1-109.

•As otherwise provided
by law.