

HIV/AIDS Testing of Offenders

Guam

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Question	Answer
Which charges and/or criminal convictions trigger a sex offender being tested for HIV/AIDS?	<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 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
Is testing required, and/or available upon victim request?	<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).
When does testing occur?	<ul style="list-style-type: none"> • Upon conviction.
What is the testing process?	<ul style="list-style-type: none"> • For convicted adults: <ul style="list-style-type: none"> • Person convicted is required to submit to testing. • The Department of Public Health and Social Services administers and analyzes the necessary medical examinations in accordance with standard medical procedures. • For convicted juveniles (tried as an adult), the court will issue an order requiring the juvenile to submit to testing to determine the presence of HIV, or any other sexually transmitted disease, if the victim requests the test.
Who can see test results?	<ul style="list-style-type: none"> • The victim and the convicted person.

Are there related services for victims?	<ul style="list-style-type: none"> • Pre- and post-HIV testing, counseling on HIV prevention and other sexually transmitted diseases (STD), and ensuring that the victim understands the implications of HIV and STD testing, their benefits and results of the test(s); HIV or any other STD testing in accordance with standard medical procedures and applicable law. • Referrals for appropriate health care and support services. • Services are provided by the Department of Public Health and Social Services with the assistance of the Sexual Abuse and Rape Crisis Center free of charge to the victim.
Anything else I should know?	<ul style="list-style-type: none"> • Treatment of the victim shall not be construed to interfere with or diminish any medical support already provided by any health insurer, agency or office; nor shall provision of the required services or treatment relieve any health insurer of its duty to provide coverage.
Statutory citation(s):	<ul style="list-style-type: none"> • 8 Guam Code Ann. §§120.60; 3330.