

HIV/AIDS Testing of Offenders Minnesota

Last Updated: April 2023

Question	Answer
Which charges and/or criminal convictions trigger a sex offender being tested for HIV/AIDS?	<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.
Is testing required, and/or available upon victim request?	<ul style="list-style-type: none"> • Available upon request of the victim (if the offender is convicted).
When does testing occur?	<ul style="list-style-type: none"> • After sentencing.
What is the testing process?	<ul style="list-style-type: none"> • Upon the request of or with the consent of the victim, the prosecutor makes a motion in camera and the sentencing court issues an order requiring the offender to submit to HIV antibody testing. • When the court makes such an order, the court must order that the test be performed by an appropriate health professional who is trained to provide the counseling recommended by the U.S. Public Health Service and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services, except in the medical record maintained by the Department of Corrections. • The order must include the name and contact information of the victim's choice of health care provider.
Who can see test results?	<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.
Are there related services for victims?	<ul style="list-style-type: none"> • 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.
Anything else I should know?	N/A

Statutory citation(s):

Minn. Stat. Ann. § 611A.19