

# HIV/AIDS Testing of Offenders

## Puerto Rico

*Last Updated: March 2020*

Question	Answer
Which charges and/or criminal convictions trigger a sex offender being tested for HIV/AIDS?	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Is testing required, and/or available upon victim request?	<ul style="list-style-type: none"> <li>• In the case of the crimes listed above, the judge may order an HIV test if the individual is convicted.</li> </ul>
When does testing occur?	<ul style="list-style-type: none"> <li>• Upon conviction.</li> </ul>
What is the testing process?	<ul style="list-style-type: none"> <li>• In a case concerning the enumerated crimes, the judge may order that the convicted person be subjected to tests to detect the HIV virus.</li> </ul>
Who can see test results?	<ul style="list-style-type: none"> <li>• The health epidemiology technician of the Sexually-Transmitted Disease Control Program of the Department of Health and the victim.</li> <li>• 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.</li> </ul>
Are there related services for victims?	<ul style="list-style-type: none"> <li>• The epidemiology technician, in coordination with the Center for Aid to Rape Victims, will interview and notify any victim of the sex crimes listed above whose assailant tested positive for HIV and will offer guidance regarding examinations and treatment.</li> <li>• Victims who test positive will be required to submit to examination or treatment at sexually transmitted disease clinics within 10 days following the notice or otherwise the victim will be sanctioned.</li> </ul>
Anything else I should know?	N/A
Statutory citation(s):	<ul style="list-style-type: none"> <li>• P.R. Laws Ann. tit. 24, §§ 576 and 578.</li> </ul>