

641 of this article to furnish a blood sample to be tested for the presence of HIV and any other identified causative agent of the acquired immune deficiency syndrome (AIDS).

(2) The written request shall be filed by the State's Attorney with the court and sealed by the court.

(c) (1) If the individual is charged within 1 year after the offense occurred, in addition to the provisions of subsection (b) of this section, upon the written request of a victim to the office of the State's Attorney in the jurisdiction where an offense occurred, the court may order, upon a finding of probable cause to believe that an exposure occurred, an individual charged with the offense to furnish a blood sample to be tested for the presence of HIV.

(2) (i) Prior to issuing any order for testing under the provisions of paragraph (1) of this subsection, the court shall conduct a hearing at which both the victim and the person charged have the right to be present.

(ii) Both the victim and the person charged shall be notified of:

1. The date, time, and location of the hearing; and
2. Their right to be present at the hearing.

(3) During the hearing only affidavits, counter-affidavits, and medical records that relate to the material facts of the case used to support or rebut a finding of probable cause for the issuance of a court order may be admissible.

(4) The written request of the victim shall be filed by the State's Attorney with the court and sealed by the court.

(d) (1) After conviction, a granting of probation before judgment, or a finding of probable cause by a court under subsection (b) or (c) of this section, respectively, the State's Attorney shall promptly notify the local health officer of the victim's written request for testing.

(2) Upon receipt of a court order for testing issued under subsection (b) or (c) of this section, the local health officer or the local health officer's designee from any other governmental entity shall:

(i) Promptly collect the blood sample from the convicted or charged individual;

(ii) Conduct the test on the blood sample; and

(iii) Provide pretest and posttest counseling to the victim and the charged or convicted individual in accordance with the provisions of Title 18, Subtitle 3, Part VI of the Health - General Article.

(e) (1) After receiving the results of a test conducted under subsection (d) of this section, the local health officer shall promptly notify the victim and the accused or convicted individual of the test results.