

(8) "Health officer" has the meaning as stated in § 1-101(d) of the Health - General Article.

(9) "HIV" means any human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS).

(10) "Offense" means:

(i) Any prohibited activity involving a sexual act that includes:

1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(ii) Any other criminal offense or delinquent act the commission of which may have caused or resulted in an exposure.

(11) (i) "Victim" means the victim of an offense.

(ii) "Victim" includes:

1. The parent of a victim who is a minor;

2. The legal guardian of a victim; or

3. The person authorized to give substituted consent for the victim under § 5-605 of the Health - General Article.

(b) (1) Upon the written request of a victim to the office of the State's Attorney in the jurisdiction where an offense occurred, the court shall order an individual convicted of committing the offense or being granted probation before judgment under [Article 27, § 641 of the Code] § 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: