

JUDGMENT UNDER ARTICLE 27, § 641 OF THE CODE 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 ~~GOOD CAUSE~~ PROBABLE CAUSE TO BELIEVE THAT AN EXPOSURE OCCURRED, AN INDIVIDUAL ~~ACCUSED OF~~ CHARGED WITH THE OFFENSE 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):

~~(I) AS A CONDITION OF PLACING THE ACCUSED'S CASE ON THE STET DOCKET;~~

~~(II) AS A CONDITION OF AN INFORMAL ADJUSTMENT BY AN INTAKE OFFICER UNDER § 3-810 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE;~~

~~(III) AS A RESULT OF A PLEA AGREEMENT ENTERED INTO IN ANOTHER CASE, IF THE CASE INVOLVING THE VICTIM WAS NOT PROSECUTED AS A RESULT OF THAT PLEA AGREEMENT; OR~~

~~(IV) IF THE COURT FINDS THAT, AFTER THE FILING OF AN INDICTMENT, INFORMATION, OR PETITION ALLEGING DELINQUENCY BUT PRIOR TO A CONVICTION, THERE IS PROBABLE CAUSE TO BELIEVE THAT A BODY FLUID CAPABLE OF TRANSMITTING HIV OR ANY OTHER IDENTIFIED CAUSATIVE AGENT OF THE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) MAY HAVE BEEN TRANSFERRED FROM THE ACCUSED TO THE VICTIM.~~

(2) (1) 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 ACCUSED PERSON CHARGED HAVE THE RIGHT TO BE PRESENT.

(II) BOTH THE VICTIM AND THE ACCUSED 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.