

(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 ~~GOOD CAUSE~~ 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 ~~GOOD CAUSE~~ 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 ~~ACCUSED~~ CHARGED INDIVIDUAL;

(II) CONDUCT THE TEST ON THE BLOOD SAMPLE; AND

(III) PROVIDE PRETEST AND POSTTEST COUNSELING TO THE VICTIM AND THE ~~ACCUSED~~ CHARGED OR CONVICTED INDIVIDUAL IN ACCORDANCE WITH THE PROVISIONS OF PART VI, SUBTITLE 3, TITLE 18 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.

(2) A LOCAL HEALTH OFFICER MAY NOT DISCLOSE POSITIVE TEST RESULTS TO A VICTIM OR AN ~~ACCUSED~~ A CHARGED OR CONVICTED INDIVIDUAL WITHOUT ALSO PROVIDING, OFFERING, OR ARRANGING FOR THE PROVISION OF APPROPRIATE COUNSELING TO THE VICTIM AND THE ~~ACCUSED~~ CHARGED OR CONVICTED INDIVIDUAL.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING REGULATIONS REGARDING:

(1) THE CONFIDENTIALITY OF TEST RESULTS; AND

(2) PROVIDING VICTIMS WITH COUNSELING REGARDING HIV DISEASE, HIV TESTING, AND REFERRAL FOR APPROPRIATE HEALTH CARE AND SUPPORT SERVICES.