

~~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) (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 ~~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.

(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.