



**ADMINISTRATIVE REGULATION NO. 1.24
HIV Testing of Criminal Defendants**

Effective Date: January 1, 2011
Prepared By: County Administrator
Type: Administrative Regulation

AUTHORITY

This Administrative Regulation (AR) is issued pursuant to Chapter 2.08 of the Marin County Code and has been approved by the Board of Supervisors.

REGULATION

1. In all cases where a defendant is charged with a crime, in which by force or threat of force, the defendant compels the victim to engage in sexual activity, at the request of the victim, testing of the defendant for the immunodeficiency virus (HIV) shall be conducted no later than 48 hours after the filing of the criminal information. Follow-up HIV testing shall be conducted as medically appropriate. Notification of the original test results or results of follow-up tests if applicable shall be provided to the victim or parent or guardian as soon as practicable.
 - a. This AR is implemented in order to ensure receipt of grant monies from the federal Department of Justice. This AR confirms existing practice that the County of Marin requires. It should be noted that the State of California is currently considering passage of legislation that would make the 48-hour testing a statewide mandate. When that occurs, this AR shall expire.
2. All aspects of state law with respect to this HIV testing shall be observed, including restrictions, if any, on the use of such testing in the actual criminal proceeding.
3. It is not the intention of this regulation to create civil liability upon the County of Marin for the failure to conduct the testing within 48 hours.