

RULE 32. HIV Testing

Pursuant to O.R.C. 2907.27, the following testing procedures shall be implemented as necessary:

A. Where required by statute, the Court shall cause the accused to be examined by a physician who shall perform or order the performance of one or more tests designated to determine if the accused is a carrier of a virus that causes Acquired Immunodeficiency Syndrome.

B. The Department of Pretrial Services under the guidance of the Court Administrator shall coordinate implementation of this procedure including identification of the defendants requiring testing and the preparation of the journal entry for the Judge's signature ordering testing of the accused. The Department of Pretrial Services shall promulgate the necessary forms and notices associated with this rule and shall carry out those administrative acts necessary to ensure that the requirements of O.R.C. 2907.27 are met.

C. The Department of Pretrial Services will arrange for all testing to be done with the Jewish Hospital of Cincinnati. If the defendant is incarcerated, the Pretrial Services staff will notify the Hospital's testing lab of the Court's order. A lab service technician will come to the Justice Center to draw blood. If the accused has been released on bail, blood will be drawn at the office of the Department of Pretrial Services.

D. The Department of Pretrial Services shall monitor the results of the test and shall inform the Court and the accused of the results.

E. The Victim Services Division of the Adult Probation Department, shall inform the victim that the test was performed and that the victim has a right to receive the results on request.

F. If the accused tests positive as a carrier of a virus that causes Acquired Immunodeficiency Syndrome and is incarcerated, the Department of Pretrial Services shall notify the Sheriff or head of the state penal institution in which the accused is incarcerated.

G. If the first test is negative but the charge has not been dismissed or if the accused has been convicted of the charge or a different offense arising out the same circumstances as the offense charged, the Court, through the Department of Pretrial Services, shall order that the test be repeated not earlier than three months nor later than six months after the original test.

(Effective December 1, 1992)