

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 01/18/2011 by the following vote:

AYES: ☐  
NOES: ☐  
ABSENT: ☐  
ABSTAIN: ☐  
RECUSE: ☐



**Resolution No. 2011/27**

**ESTABLISHING A POLICY**  
**REQUIRING PROMPT HIV TESTING OF INDIVIDUALS CHARGED WITH SEXUAL ASSAULT CRIMES**

**WHEREAS**, California law permits the immunodeficiency virus (HIV) testing of criminal defendants prior to conviction where the criminal defendant is accused of specific sex related crimes against a victim. The State of California does not have a time requirement for such testing.

**WHEREAS**, the United States Department of Justice (DOJ) requires recipients of the Office on Violence Against Women's Grants to Encourage Arrest Policies and Enforcement of Protection Orders to perform the HIV testing pursuant to a mandatory obligation either through law or regulation, including the requirement that testing occurring within 48 hours of the filing of an Information or Indictment at the request of the victim.

**WHEREAS**, the County is a recipient of a Grant to Encourage Arrest Policies and Enforcement of Protection Orders (Grant Award No. 2004-WE-AX-0058). This resolution is adopted in order to comply with DOJ grant conditions requiring HIV testing of certain criminal defendants within 48 hours of the filing of an Information or Indictment at the request of the victim.

**NOW, THEREFORE, BE IT RESOLVED** that in all cases where a defendant is charged with a crime brought by the District Attorney's Office in which, by force or threat of force, the defendant compels the victim to engage in sexual activity:

1. At the request of the victim or the victim's legal guardian, testing of the defendant for the human immunodeficiency virus (HIV) shall be conducted no later than 48 hours after the filing of the Information or Indictment.
2. Original and follow up HIV testing shall be conducted as medically appropriate and prescribed by law.
3. Notification of the original test result, and of results of follow-up tests if applicable, shall be provided to the victim or victim's legal guardian and to the defendant as soon as practicable and only as prescribed by law.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**Contact: DEVORAH LEVINE (925)**  
**313-1524**

**ATTESTED: January 18, 2011**  
\_\_\_\_\_, County Administrator and Clerk of the Board of Supervisors

By: \_\_\_\_\_, Deputy

**cc:** District Attorney, County Administrator, Zero Tolerance Program Admin