

SEVENTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER No. 2000-01 – Amended as of August 4, 2015
Protocol for Distribution of HIV and Other Test Results

WHEREAS, the Colorado General Assembly has adopted legislation which mandates medical testing in certain cases in which individuals are charged with a sexual offense which involved sexual penetration through either sexual intercourse or anal intercourse and certain assault cases;

AND WHEREAS, C.R.S. 18-3-415 states that the results of such tests shall be reported to the court or to the court's designee, who is then responsible for disclosing the results to any victim of the offense who requests such disclosure, but otherwise the results are to be kept closed and confidential;

AND WHEREAS, C.R.S. 18-3-415.5(2) contemplates that the test results also be provided to the district attorney, who then has a responsibility to pursue certain mandatory sentencing provisions under C.R.S. 18-3-415.5(5) if the results are positive and if the defendant had notice of his or her HIV infection prior to the date of the offense of which he/she is convicted;

AND WHEREAS, under C.R.S. 24-4.1-303, the district attorney's office is generally responsible for assuring that victims are afforded their rights, and this includes giving notice to victims of many matters pertaining to the conduct of the criminal case in which the victim is involved; thus it is reasonable to name the Office of the District Attorney for the Seventh Judicial District as the court's designee under C.R.S. 18-3-415 for the purpose of giving notice of the HIV test results, when requested by the victim;


AND WHEREAS, the procedure for having the HIV test results reported directly to the Office of the District Attorney will have the salutary benefit of removing the trial court from handling and dealing with the results, thereby reducing the number of persons to whom disclosure of the results is made;

AND WHEREAS, to facilitate the intent of this Administrative Order, judges in the Seventh Judicial District who enter orders for HIV testing, shall direct the testing agency to send the test results directly to the Office of the District Attorney for the Seventh Judicial District to use in ways consistent with this Administrative order.

AND WHEREAS, SB 15-005 and SB 15-15-126 amended C.R.S. §§ 18-3-202(3)(a), 18-3-203(3)(a) and 18-3-204(2)(a) with respect to First, Second and Third Degree Assault to require medical testing effective July 1, 2015, the same protocols set forth below shall apply.

NOW THEREFORE, the undersigned, as Chief Judge of the Seventh Judicial District, hereby designates the Office of the District attorney for the Seventh Judicial District as the court's designee for the purposes of receiving reports of the HIV test results which are transmitted pursuant to C.R.S. 18-3-415, and said Office shall also establish and implement a procedure for disclosing the results to victims who request the same, but shall otherwise keep all records of said test results closed and confidential.

DONE BY THE COURT, this 4th day of August, 2015.



Steven Patrick
Chief Judge, Seventh Judicial District

cc: Dan Hotsenpiller, District Attorney

HIV and DNA (Genetic) Testing Policies and Procedures

HIV Draw and Testing	<p>Blood Draw:</p> <ul style="list-style-type: none">• The defendant (non-indigent) is responsible for payment of the draw fee.• For an indigent defendant, the District should pay the fee and code the invoice as shown in the <u>Coding Guide</u> at the end of this section.• If defendant is indigent and on probation, the blood draw should be paid using the Offender Services appropriation. <p>Blood Test:</p> <ul style="list-style-type: none">• The State Health Department notifies SCAO as to the amount of costs incurred for HIV Testing and SCAO then remits funds to the State Health Dept. for administering the test (not the draw).
DNA Testing	<p>DNA testing requested by the District Attorney, or conducted at the request of Judicial paid counsel or a <i>pro se</i> defendant may be coded as described in the <u>Coding Guide</u> at the end of this section. (This should not be confused with the DNA/Genetic tests of offenders related to probation, which are paid under separate, probation appropriation codes.)</p>
Payment process	<p>Payment of costs may be made directly to the party who performed services or as reimbursement to an attorney or agency that has incurred the costs.</p> <p>The party requesting payment or reimbursement must submit:</p> <ul style="list-style-type: none">• Court's authorization and applicable case number, as required• Details supporting the costs incurred