How do you request a Defendant HIV Test? How does it work?

- You cannot ask for HIV testing until someone has been arrested and charged with sexually assaulting you. Also, you must ask within 48 hours (2 days) after the defendant is charged for the assault.
- You must make your request to the court in writing.
- If the court orders the defendant to get tested for HIV, the testing will be done by a county or state public health official.
- You can ask that the defendant get a follow-up HIV test. However, the HIV tests done on the defendant the first time should detect any HIV present at that time. There may be no medical need for a follow-up test.

What do the defendant's HIV test results mean to you?

- If the defendant tests negative, they were not infected with HIV at the time of the sexual assault – and they did not infect you.
- If the defendant tests positive, they may have been infected at the time of the sexual assault. If the defendant was infected at that time, you may have been exposed to HIV – and you may be infected. But, being exposed to HIV does not mean you were infected.
- Getting tested for HIV is the only way to know for sure if you have HIV. You may need to be tested again to make sure you are not infected.

Don't wait to call

You have survived a painful experience – you don't have to do it alone. Many organizations in New York City and New York State help sexual assault survivors get the treatment and support they need. Call one of the numbers below.

NEW YORK STATE HOTLINE NUMBERS

New York State Office of Victims Services (OVS)
http://www.ovs.ny.gov/ | 1-800-247-8035 | Monday-Friday, 9AM-5PM | Hearing Impaired: Call Sorenson's Videophone, 1-518-213-9298

New York State Department of Health Rape Crisis Program
To find a rape crisis program and a rape crisis counselor near you, please visit https://www.health.ny.gov/prevention/sexual_violence/rscvpp_providers.htm.

New York State Coalition Against Domestic Violence (NYSCADV)
Domestic and Sexual Violence Hotline
http://www.nyscadv.org/ | 1-800-942-6906 | TTY: 711

New York State Office for the Prevention of Domestic Violence
New York State Domestic and Sexual Violence Hotline (for any type of sexual assault)
http://www.opdv.ny.gov/ | 1-800-942-6906 | TTY: 1-800-942-0656

New York State Police Crime Victims Specialist Program
https://troopers.ny.gov/system/files/documents/2023/04/cvs-program-brochure-9-29-22-newest.pdf
Each upstate "troop region" has a crime victim specialist. They work closely with both police and local victim service agencies to best meet victims' needs. See the website for contact information.

Campus Sexual Assault Victims Unit
https://troopers.ny.gov/campus-sexual-assault-victims-unit
Call 1-844-845-7269 to report a sexual assault, dating violence, domestic violence, or stalking on a New York State college campus.

NEW YORK CITY HOTLINE NUMBERS

Safe Horizon
(Rape, Sexual Assault and Incest Hotline)
http://www.safehorizon.org/ | 1-800-621-HOPE (4673)
TDD: 866-604-5350

New York City Police Department (NYPD)
https://www.nyc.gov/site/nypd/news/pr0406/nypd-launches-campaign-encourage-sex-crime-reporting#/0
Sex Crimes Report Line 1-212-267-RAPE (7273)

NYPD Special Victims Division 24-hour Hotline
https://www.nyc.gov/site/nypd/services/victim-services/how-to-report-a-crime.page#:~:text=Victims%20of%20sexual%20violence%20should,at%20646%2D610%2D7272
Victims of sexual violence: Call 911 if you are in danger right now. Otherwise, call the NYPD Special Victims Division 24-hour Hotline at 1-646-610-7272.

NEW YORK STATE | Department of Health

#9598 12/25

Information for Survivors of Sexual Assault

NEW YORK STATE | Department of Health

If you have been sexually assaulted, you may have been exposed to HIV – human immunodeficiency virus. This is the virus that causes AIDS. You have the right to ask that the person accused of assaulting you get tested for HIV. The accused person is called the defendant. This is called Defendant HIV Testing.

What is Defendant HIV Testing?

Under the Defendant HIV Testing law, you can:

- Find out if you may have been exposed to HIV during the sexual assault. You need to ask the court to make the defendant get tested for HIV.
- Ask that the defendant get tested as soon as they are charged with rape or sexual assault. Being charged is also called "indicted" – *pronounced in-DYTED*

NOTE: Emergency anti-HIV medicines, and money to pay for them, are available for survivors. This is true even if the defendant does not get tested for HIV.

Anti-HIV medicines should be started within 72 hours (3 days) of sexual assault.

What can you do with the defendant's HIV test results?

Whether the defendant tests positive or negative for HIV, they have a right to privacy with test results. The defendant's HIV test results can be shared only with:

- **The defendant.** The defendant does not have to look at their HIV test results.
- **You, the survivor.** You have the right to know whether the defendant has HIV. This is called a person's HIV "status." You can share the defendant's HIV results with:
  - — Your health care provider. It is important to talk about the test results with your provider. It will help in planning your medical care.
  - — Your lawyer or legal representative.
  - — Close family members or your legal guardian.
  - — Your sex partner(s), if any – or needle-sharing partner(s), if any – if you think you exposed them to HIV. You cannot tell them the defendant's name.

The court will not let you share information about the defendant's HIV status with anyone else. The people you are allowed to tell also cannot share the information with anyone else.

HIV test results cannot be used as evidence against the defendant

The defendant's HIV test results cannot be used as evidence against them in a criminal or civil case related to the sexual assault against you. Their HIV test results cannot be shared with the court.

- **Keep taking your emergency anti-HIV medicine.**
  - — Did you get medical treatment after your sexual assault? If you did and you started taking emergency anti-HIV medicine, take it until your health care provider tells you to stop. Do this **even if the defendant tests negative for HIV**.

How to get help with your medical expenses

The New York State Office of Victims Services is a state agency. It helps crime victims pay for costs that directly result from the crime. The Office will reimburse (repay) your health care provider for the cost of your sexual assault medical exam. This is true if you choose not to use your own health insurance.

If you have health insurance coverage for the services below, you will have to use your health insurance. If your insurance does not cover these services, you can ask the Office of Victim Services to pay:

- Emergency Department bills that are not related to your sexual assault medical exam.
- Counseling services.
- Transportation for court appearances.
- Lost wages if you cannot work because of your sexual assault.

Hospitals providing treatment to survivors of sexual assault are required to offer and provide the full 28 days of PEP medicine regardless of age. (PEP is taken to prevent HIV after exposure.)

For more information, please view this letter at the following website: https://www.health.ny.gov/diseases/aids/general/pep/docs/guidance_update.pdf.