

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	5/11, 5/17

WHAT THE MEASURE DOES: Deletes sunset from provision in ORS 138 relating to convicted person's ability to request DNA (deoxyribonucleic acid) testing of evidence.

ISSUES DISCUSSED:

- Amendment relating to health care providers and genetic information (what was Senate Bill 759)

EFFECT OF COMMITTEE AMENDMENT: Allows health care provider to retain genetic information of an individual without authorization if the retention is for treatment, payment or health care operations. Allows health care provider to disclose genetic information of an individual without authorization if the provider discloses information consistent with ORS 192.520(3) or with ORS 746.607(3) (disclosure to another health care entity with a relationship with the individual for certain purposes including but not limited to treatment).

BACKGROUND: Last session, the Oregon Legislature approved a bill to allow a person to request DNA testing of specific evidence if the person is either (1) incarcerated as a result of a conviction of aggravated murder or any person felony, or (2) not in custody but convicted of aggravated murder, murder or a sex crime. The person must file a motion in circuit court accompanied by an affidavit containing, in relevant part, (1) a statement that the person is innocent, (2) a description of the specific evidence to be tested and (3) a defense theory of the case. The legislature passed the bill with a two-year sunset provision. SB 244 A removes the two-year sunset provision.

SB 244 A also allows a health care provider to retain genetic information of an individual without authorization if the retention is for treatment, payment or health care operations. A health care provider may disclose genetic information of an individual without authorization if the provider discloses information consistent with ORS 192.520(3) or with ORS 746.607(3) (disclosure to another health care entity with a relationship with the individual for certain purposes including but not limited to treatment).