

Enrolled
House Bill 2154

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Attorney General's Sexual Assault Task Force)

CHAPTER

AN ACT

Relating to Sexual Assault Victims' Emergency Medical Response Fund; amending ORS 147.225 and 147.231 and sections 1, 2 and 8, chapter 789, Oregon Laws 2003; repealing sections 9 and 11, chapter 789, Oregon Laws 2003; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 1, chapter 789, Oregon Laws 2003, is amended to read:

Sec. 1. As used in section 2, **chapter 789, Oregon Laws 2003** [of this 2003 Act]:

(1) "Complete medical assessment" means an assessment that consists of:

(a) A medical examination;

(b) The collection of forensic evidence using an evidence collection kit approved by the Department of State Police; and

(c) The offering and, if requested, provision of [prescriptions for] emergency contraception, [and] sexually transmitted disease prevention **and, for a victim who is 17 years of age or younger, prescriptions for emergency contraception.**

(2) "Medical assessment" means a complete or partial medical assessment.

(3) "Partial medical assessment" means an assessment that consists of:

(a) A medical examination; and

(b) The offering and, if requested, provision of [prescriptions for] emergency contraception, [and] sexually transmitted disease prevention **and, for a victim who is 17 years of age or younger, prescriptions for emergency contraception.**

SECTION 2. Section 2, chapter 789, Oregon Laws 2003, is amended to read:

Sec. 2. (1) Subject to the availability of funds from gifts, grants and donations in the Sexual Assault Victims' Emergency Medical Response Fund, the Department of Justice shall pay the costs of:

(a) A complete medical assessment obtained by the victim of a sexual assault if the victim obtains the medical assessment no later than 84 hours after the sexual assault.

(b) A partial medical assessment obtained by the victim of a sexual assault if the victim obtains the medical assessment no later than seven days after the sexual assault.

(2) The department may not deny payment under this section for any of the following reasons:

(a) The victim of a sexual assault has not reported the assault to a law enforcement agency.

(b) The identity of a victim of a sexual assault is not readily available to the department because forensic evidence has been collected from the victim and preserved in a manner intended to protect the victim's identity.

[2] (3) The department shall develop a form that the victim of a sexual assault must complete if the victim wants the department to pay for a medical assessment as provided in subsection (1) of this section. The department shall make copies of the form available to providers of medical assessments. **The form must inform the victim that:**

(a) A complete or partial medical assessment can be obtained regardless of whether the victim reports the assault to a law enforcement agency; and

(b) A complete or partial medical assessment can be performed and evidence collected in a manner intended to protect the victim's identity.

[3] (4) When the victim of a sexual assault completes the form developed by the department under subsection [(2)] (3) of this section, the victim shall submit the form to the provider of the medical assessment. The provider shall submit the form with a bill for the medical assessment to the department. A provider who submits a bill under this subsection may not bill the victim or the victim's insurance carrier for the medical assessment except to the extent that the department is unable to pay the bill due to lack of funds or declines to pay the bill.

(5) Providers of medical assessments that seek reimbursement under this section shall:

(a) Maintain records of medical assessments that protect the identity of victims of sexual assault and keep confidential the identity of victims who have not reported the sexual assault to a law enforcement agency;

(b) Store forensic evidence collection kits and transfer custody of the kits to a law enforcement agency having jurisdiction over the geographic area where the provider is located; and

(c) Cooperate with law enforcement agencies to develop and implement procedures that protect the identities of victims while allowing retrieval and assessment of evidence collection kits and related evidence.

(6) Law enforcement agencies that receive evidence collection kits as provided by subsection (5) of this section shall preserve the kits and any related evidence for at least six months.

[4] (7) A provider may not charge the department more for a complete medical assessment or a partial medical assessment than the maximum amounts established by the department by rule for the assessments.

[5] (8) The victim of a sexual assault may obtain a medical assessment and complete and submit a form under this section regardless of whether the victim reports the sexual assault to a law enforcement agency.

[6] (9) This section does not require the department to pay any costs of treatment for injuries resulting from the sexual assault.

[7] (10) The department may adopt rules necessary to carry out the provisions of this section.

SECTION 3. Sections 9 and 11, chapter 789, Oregon Laws 2003, are repealed.

SECTION 4. ORS 147.225, as amended by section 6, chapter 789, Oregon Laws 2003, is amended to read:

147.225. There is established the Criminal Injuries Compensation Account. All moneys in the account are continuously appropriated for and may be used by the Department of Justice for the purposes authorized in ORS 135.905 and 147.005 to 147.367 **and section 2, chapter 789, Oregon Laws 2003.**

SECTION 5. ORS 147.231, as amended by section 7, chapter 789, Oregon Laws 2003, is amended to read:

147.231. (1) Subject to the availability of sufficient funds in the Criminal Injuries Compensation Account, the Attorney General or the Attorney General's designee may make grants from the Criminal Injuries Compensation Account to eligible public or private nonprofit agencies that provide services to victims of violent crimes, property crimes and crimes involving fraud and deception. The

Attorney General may not make grants unless there are sufficient funds in the Criminal Injuries Compensation Account to satisfy both the projected compensation claims of victims of violent crimes and the anticipated costs of complying with ORS 147.227 **and of providing the funds deemed necessary by the Attorney General to comply with section 2, chapter 789, Oregon Laws 2003.** The grants authorized by this section are in addition to federal Victims of Crime Act grants that are administered by the Attorney General or the Attorney General's designee.

(2) Funds distributed under this section may be used only for services to victims of violent crimes, property crimes and crimes involving fraud and deception and may not be used to replace funds otherwise available for services to victims of crime.

(3) As used in this section, "services" includes, but is not limited to:

(a) Crisis intervention services;

(b) Providing, in an emergency, transportation to court, short-term child care, temporary housing and security measures;

(c) Assistance in participating in criminal justice proceedings;

(d) Preparation, publication and distribution of materials that inform victims of violent crimes, property crimes and crimes involving fraud and deception of the services that are available;

(e) Salaries of persons who provide direct services to victims of violent crimes, property crimes and crimes involving fraud and deception to the extent that the persons provide the services; and

(f) Counseling for victims of property crimes and crimes involving fraud and deception.

(4) Applicants for grants under subsection (1) of this section shall:

(a) Certify that priority will be given to providing assistance to victims of violent crimes including, but not limited to, victims of sexual assault, domestic violence and child abuse; and

(b) Provide any information and assurances that the Department of Justice may require.

(5) The Attorney General or the Attorney General's designee may administer the grants authorized by this section concurrently with the administration of the federal Victims of Crime Act grants.

(6) The department shall adopt rules pursuant to ORS chapter 183 to carry out the provisions of this section.

SECTION 6. Section 8, chapter 789, Oregon Laws 2003, is amended to read:

Sec. 8. No later than March 1, [2005] **2009**, the Attorney General shall submit to the Legislative Assembly a report on the operation of the Sexual Assault Victims' Emergency Medical Response Fund through January 31, [2005] **2009**. The Attorney General shall include in the report:

(1) The dollar amount of each claim submitted to the fund;

(2) The dollar amount paid on each submitted claim and the reason for any partial payment or nonpayment of a claim;

(3) The dollar amount and source of gifts, grants and donations to the fund; and

(4) Recommendations, if any, for legislation to improve the operation of the fund.

SECTION 7. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House March 21, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 16, 2007

.....
President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State