

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines conditions under which Department of Justice must reimburse medical providers for sexual assault medical assessments. Requires medical providers to give notice to victims.

Makes provisions relating to sexual assault medical assessments permanent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Sexual Assault Victims' Emergency Medical Response Fund; amending ORS 147.225 and
3 147.231 and sections 2 and 8, chapter 789, Oregon Laws 2003; repealing sections 9 and 11,
4 chapter 789, Oregon Laws 2003; and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 789, Oregon Laws 2003, is amended to read:

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

10 (a) A complete medical assessment obtained by the victim of a sexual assault if the victim ob-
11 tains the medical assessment no later than 84 hours after the sexual assault.

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

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

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

18 **(b) The victim of a sexual assault has not decided whether to cooperate with the prose-**
19 **cution of any resulting criminal case or has stated an unwillingness to cooperate at the time**
20 **of the assessment.**

21 **(c) The identity of a victim of a sexual assault is not readily available to the department**
22 **because forensic evidence has been collected from the victim and preserved in a manner in-**
23 **tended to protect the victim's identity.**

24 [(2)] **(3) The department shall develop a form that the victim of a sexual assault must complete**
25 **if the victim wants the department to pay for a medical assessment as provided in subsection (1) of**
26 **this section. The department shall make copies of the form available to providers of medical as-**
27 **sessments. The form must inform the victim that:**

28 **(a) A medical assessment can be obtained regardless of whether the victim reports the**
29 **assault to a law enforcement agency or desires to cooperate with any resulting criminal**
30 **prosecution; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) A medical assessment can be performed and evidence collected in a manner intended**
 2 **to protect the victim’s identity.**

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

9 [(4)] (5) A provider may not charge the department more for a complete medical assessment or
 10 a partial medical assessment than the maximum amounts established by the department by rule for
 11 the assessments.

12 [(5)] (6) The victim of a sexual assault may obtain a medical assessment and complete and sub-
 13 mit a form under this section regardless of whether the victim reports the sexual assault to a law
 14 enforcement agency.

15 [(6)] (7) This section does not require the department to pay any costs of treatment for injuries
 16 resulting from the sexual assault.

17 [(7)] (8) The department may adopt rules necessary to carry out the provisions of this section.

18 **SECTION 2. Sections 9 and 11, chapter 789, Oregon Laws 2003, are repealed.**

19 **SECTION 3.** ORS 147.225, as amended by section 6, chapter 789, Oregon Laws 2003, is amended
 20 to read:

21 147.225. There is established the Criminal Injuries Compensation Account. All moneys in the
 22 account are continuously appropriated for and may be used by the Department of Justice for the
 23 purposes authorized in ORS 135.905 and 147.005 to 147.367 **and section 2, chapter 789, Oregon**
 24 **Laws 2003.**

25 **SECTION 4.** ORS 147.231, as amended by section 7, chapter 789, Oregon Laws 2003, is amended
 26 to read:

27 147.231. (1) Subject to the availability of sufficient funds in the Criminal Injuries Compensation
 28 Account, the Attorney General or the Attorney General’s designee may make grants from the
 29 Criminal Injuries Compensation Account to eligible public or private nonprofit agencies that provide
 30 services to victims of violent crimes, property crimes and crimes involving fraud and deception. The
 31 Attorney General may not make grants unless there are sufficient funds in the Criminal Injuries
 32 Compensation Account to satisfy both the projected compensation claims of victims of violent crimes
 33 and the anticipated costs of complying with ORS 147.227 **and of providing the funds deemed**
 34 **necessary by the Attorney General to comply with section 2, chapter 789, Oregon Laws**
 35 **2003.** The grants authorized by this section are in addition to federal Victims of Crime Act grants
 36 that are administered by the Attorney General or the Attorney General’s designee.

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

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

41 (a) Crisis intervention services;

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

44 (c) Assistance in participating in criminal justice proceedings;

45 (d) Preparation, publication and distribution of materials that inform victims of violent crimes,

1 property crimes and crimes involving fraud and deception of the services that are available;

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

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

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

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

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

9 (5) The Attorney General or the Attorney General's designee may administer the grants au-
10 thORIZED by this section concurrently with the administration of the federal Victims of Crime Act
11 grants.

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

14 **SECTION 5.** Section 8, chapter 789, Oregon Laws 2003, is amended to read:

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

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

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

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

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

23 **SECTION 6. This 2007 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
25 **on its passage.**

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