

A-Engrossed
Senate Bill 557

Ordered by the Senate April 22
Including Senate Amendments dated April 22

Sponsored by Senator EDWARDS, Representative HOYLE; Senators BONAMICI, DEVLIN, DINGFELDER, MONNES ANDERSON, PROZANSKI, ROSENBAUM, Representatives BAILEY, BARKER, BERGER, BREWER, DOHERTY, GELSER, GREENLICK, KOTEK, MATTHEWS, READ, J SMITH, TOMEI (Presession filed.)

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.

Requires district attorney of each county to organize sexual assault response team. Requires each team to adopt protocols addressing sexual assault response. Requires certain health care facilities to adopt policies for treatment of acute sexual assault patients. Requires certain health care facilities that perform forensic medical examinations of sexual assault patients to adopt guidelines developed by Sexual Assault Task Force and to employ or contract with sexual assault forensic examiner trained to satisfy certification requirements of Oregon SAE/SANE Certification Commission. Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

Relating to sexual assault response; and declaring an emergency.

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

SECTION 1. (1) The district attorney in each county shall organize a sexual assault response team to consist of:

(a) A representative of the district attorney's office;

(b) A representative of a prosecution-based victim assistance program or unit;

(c) A sexual assault forensic examiner;

(d) At the discretion of the district attorney, a representative of the county sheriff's office or a representative of local law enforcement agencies or both;

(e) A representative of a nonprofit agency or program that receives moneys administered by the Department of Human Services or the Department of Justice and that offers safety planning, counseling, support or advocacy to victims of sexual assault; and

(f) Other persons the district attorney considers necessary for the operation of the team or as recommended by the team.

(2) Each team must meet:

(a) At least quarterly at a time appointed by the district attorney of the county; and

(b) Independently of the county's multidisciplinary child abuse team.

(3)(a) Each team shall develop and adopt protocols addressing the response to adult and adolescent sexual assault victims in the county.

(b) Protocols adopted pursuant to paragraph (a) of this subsection may incorporate by reference, in part or in whole, protocols relating to child sexual abuse developed pursuant to ORS 418.747.

SECTION 2. (1) Each hospital, emergency medical service provider, intermediate care

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 facility, skilled nursing facility, long term care facility and residential care facility in this
2 state shall adopt policies for the treatment or referral of acute sexual assault patients, if
3 such policies are not otherwise provided for by statute or administrative rule.

4 (2)(a) Each hospital, emergency medical service provider, intermediate care facility,
5 skilled nursing facility, long term care facility and residential care facility in this state that
6 performs forensic medical examinations of sexual assault patients shall:

7 (A) Adopt, in addition to the facility's own guidelines, if any, the State of Oregon Medical
8 Guideline for Sexual Assault Evaluation of Adolescent and Adult Patients developed and
9 published by the Attorney General's Sexual Assault Task Force.

10 (B) Except as provided in paragraph (b) of this subsection, employ or contract with at
11 least one sexual assault forensic examiner who has completed didactic training sufficient to
12 satisfy the training requirement for certification by the Oregon SAE/SANE Certification
13 Commission established by the Attorney General.

14 (b) Paragraph (a)(B) of this subsection does not apply to a hospital that performs forensic
15 medical examinations only of sexual assault patients who are minors. Such a hospital may
16 use physicians and nurses to conduct the examinations in consultation with a social worker
17 trained in assisting sexual assault victims who are minors.

18 **SECTION 3.** (1) A sexual assault response team must comply with section 1 (3) of this
19 2011 Act no later than December 31, 2012.

20 (2) A hospital, emergency medical service provider, intermediate care facility, skilled
21 nursing facility, long term care facility or residential care facility must comply with section
22 2 (1) of this 2011 Act no later than December 31, 2012.

23 (3)(a) A hospital, emergency medical service provider, intermediate care facility, skilled
24 nursing facility, long term care facility or residential care facility that performs forensic
25 medical examinations of sexual assault patients must comply with section 2 (2)(a)(B) of this
26 2011 Act no later than:

27 (A) December 31, 2012, if located in a county with a population of more than 150,000 in-
28 habitants.

29 (B) December 31, 2013, if located in a county with a population of 150,000 or fewer in-
30 habitants.

31 (b) For purposes of this subsection, county population is determined as of the effective
32 date of this 2011 Act, based on the most recently available data published or officially pro-
33 vided by the Portland State University Population Research Center.

34 **SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
36 July 1, 2011.

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