

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

House Committee on Judiciary

**REVENUE: May have revenue impact, statement not yet issued****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: Joint Committee on Ways and Means****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Whitney Perez, Counselor**Meeting Dates:** 2/2, 2/9, 2/10**WHAT THE MEASURE DOES:**

Directs Department of State Police to adopt rules on prioritization of testing untested sexual assault forensic evidence kits and to conduct testing of kits. Excludes anonymous kits. Requires Department enter test results into Combined DNA Index System by July 1, 2018. Directs Department to report to interim committees of the Legislative Assembly by January 15 of each year. Requires report to include progress made on untested sexual assault forensic evidence kits, include number of new kits received during previous year, include number of kits tested in previous year, and number of remaining untested kits in possession of Department. Requires retention of untested anonymous kits for at least 60 years. Directs every law enforcement agency in Oregon to adopt procedures regarding collection, testing, retention and destruction of sexual assault forensic evidence kits by January 1, 2017. Specifies minimum requirements of policy. Requires each law enforcement agency to adopt procedures for communicating information to victims concerning sexual assault forensic evidence kits. Establishes Task Force on the Testing of Sexual Assault Forensic Evidence Kits. Specifies membership and charge of Task Force. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

- Discussed use of private vendors to test kits.
- Procedures for entry into CODIS
- Several other states have addressed this issue
- Help prosecute sexual assault cases

**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-3) Amendment further defines “victim.” Requires each law enforcement agency to provide written policy and procedures to the public as soon as possible upon request. Clarifies that victim may inquire into any information concerning sexual assault forensic evidence kit and response must be given as soon as possible and within 30 days of inquiry. Prohibits contact between victim and forensics lab. Provides affirmative requirement to test all non-anonymous kits. Requires medical facility to notify law enforcement of collection of kit within seven days of its collection and require law enforcement to retrieve kit from medical facility within seven days of notice. Adds sexual assault advocate from a community based organization to Task Force membership and law enforcement from urban and rural jurisdictions. Adds additional charge to Task Force.

Proposed (-5) Amendment incorporates the amendments in the (-3). Clarifies definition of law enforcement. Provides affirmative obligation for eligible results to be entered into the Combined DNA Index System as soon as practicable. Requires Department to provide report to the interim committees of the Legislative Assembly on progress of entering the results into CODIS by July 1, 2019. Clarifies who the victim may inquire into for information regarding the testing of the kit. Adds requirement that law enforcement agency’s policy and procedures include a provision for a victim to be able to contact law enforcement to be able to reclassify the person’s kit.

2/10/2016 8:13:00 AM \*

***This summary has not been adopted or officially endorsed by action of the committee.***

**BACKGROUND:** There is ongoing nationwide concern over untested sexual assault forensic evidence kits. According to an inventory completed by the Oregon State Police in September of 2015, there are approximately 5,652 untested sexual assault forensic evidence kits in Oregon. The total number of untested kits in Oregon is unknown. Processing these kits may assist in identifying suspects and in prosecuting sex crimes.

Senate Bill 1571 requires the Department of State Police to adopt rules for the processing of untested kits and to test these kits, but exempts testing of anonymous kits. The measure further provides that by July 1, 2018, the Department will ensure that results, if any, from this testing will be immediately entered into the Combined DNA Index System upon completion of the test.

The measure requires every law enforcement agency in Oregon implement procedures regarding the collection, testing, retention and destruction of sexual assault forensic kits. These procedures must include that kits are obtained from the medical facility within seven days and provided to the Department of State Police for testing within 14 days. Anonymous kits must be held for no less than 60 years. Additionally, each law enforcement agency must adopt procedures relating to providing information to victims concerning sexual assault forensic evidence kits, including that a single person be designated within an agency to receive all telephone inquiries regarding kits and to serve as a liaison to the Department of State Police.

Finally, SB 1571 creates a Task Force on the Testing of Sexual Assault Forensic Evidence Kits. It sets forth who will serve as members of the task force, including two members of the Senate and two members of the House of Representatives. The two individuals from each chamber may not be from the same political party. The Governor would appoint the remaining 12 members. The Task Force is to examine the process for gathering and testing sexual assault forensic evidence kits and pursue grants and funding to help offset the costs associated with this process. The task force must submit by December 1, 2018, a report with recommendations for legislation to interim committee of the Legislative Assembly related to judiciary. The Task Force sunsets on June 30, 2019.