

## SENATE AMENDMENTS TO SENATE BILL 1571

By COMMITTEE ON JUDICIARY

February 12

1 On page 1 of the printed bill, line 4, delete “4” and insert “5”.

2 In line 6, delete “4” and insert “5”.

3 In line 11, delete “131.550” and insert “133.741”.

4 In line 18, after “person” delete the rest of the line and delete line 19 and insert “from whom  
5 a sexual assault forensic evidence kit has been collected.”.

6 In line 22, after “contain” insert “a requirement to test all nonanonymous kits and”.

7 On page 2, delete lines 3 through 8 and insert:

8 “(3)(a) The department shall designate an entity, position or class of positions to receive in-  
9 quiries from law enforcement agencies and victims seeking information concerning the testing of  
10 sexual assault forensic evidence kits.

11 “(b) The department shall prohibit victims from directly contacting a forensic laboratory per-  
12 forming testing of sexual assault forensic evidence kits and may not publicize a means for victims  
13 to contact the laboratory.

14 “(4)(a) As soon as practicable, the department shall ensure that the results from testing sexual  
15 assault forensic evidence kits that are eligible to be entered into the Combined DNA Index System  
16 are entered into the system after the testing results are obtained.

17 “(b) No later than July 1, 2019, the department shall provide a written report to the interim  
18 committees of the Legislative Assembly related to the judiciary, in the manner provided in ORS  
19 192.245, describing the department’s progress in entering results from testing sexual assault forensic  
20 evidence kits into the Combined DNA Index System.”.

21 In line 19, after “must” insert “be in writing, must be made available to the public as soon as  
22 possible upon request and must”.

23 Delete lines 21 through 23 and insert:

24 “(b) A time limit by which the law enforcement agency must obtain a sexual assault forensic  
25 evidence kit from a medical facility that is within seven days after the medical facility notifies the  
26 agency that the kit has been collected.”.

27 In line 34, after the first “concerning” insert “contact with victims and”.

28 In line 36, after “designate” insert “at least”.

29 In line 40, delete “the person” and insert “a person”.

30 On page 3, delete lines 2 through 5 and insert:

31 “(d) A requirement that a person described in paragraph (a) of this subsection provide, in re-  
32 sponse to a victim inquiry concerning a sexual assault forensic evidence kit, any information the  
33 victim requests in a manner of communication designated by the victim, as soon as possible and  
34 within 30 days of the inquiry, unless the agency declines to provide the information pursuant to  
35 paragraph (e) of this subsection.”.

1 After line 9, insert:

2 “(g) Provisions allowing a victim to contact a person described in paragraph (a) of this sub-  
3 section to request that an untested nonanonymous kit be reclassified as an anonymous kit, or an  
4 untested anonymous kit be reclassified as a nonanonymous kit, and a requirement that the agency  
5 notify the department of the reclassification.”

6 Delete lines 10 through 45.

7 On page 4, delete line 1 and insert:

8 “**SECTION 5. A medical facility collecting sexual assault forensic evidence kits shall,**  
9 **within seven days after the collection of a kit, notify the law enforcement agency with ju-**  
10 **risdiction over a possible sexual assault criminal investigation that the kit has been col-**  
11 **lected.**

12 “**SECTION 6.** Section 4 of this 2016 Act is amended to read:

13 “**Sec. 4.** (1) [No later than January 1, 2017,] Each law enforcement agency within this state shall  
14 [adopt] **have** policies and procedures concerning the collection, submission for testing, retention and  
15 destruction of sexual assault forensic evidence kits. The policies and procedures must be in writing,  
16 must be made available to the public as soon as possible upon request and must include:

17 “(a) Procedures for investigating reports of sexual assault.

18 “(b) A time limit by which the law enforcement agency must obtain a sexual assault forensic  
19 evidence kit from a medical facility that is within seven days after the medical facility notifies the  
20 agency that the kit has been collected.

21 “(c) A time limit by which a sexual assault forensic evidence kit must be submitted to the De-  
22 partment of State Police for testing that is within 14 days after taking possession of the kit from a  
23 medical facility.

24 “(d) A requirement that the law enforcement agency submit to the department information suf-  
25 ficient to allow the department to prioritize the testing of a sexual assault forensic evidence kit  
26 according to the rules of the department.

27 “(e) A prohibition on the submission of an anonymous kit to the department for testing.

28 “(f) A requirement that all sexual assault forensic evidence kits, including anonymous kits, be  
29 retained for no less than 60 years after the collection of the evidence.

30 “(2) [No later than January 1, 2017,] Each law enforcement agency within this state shall  
31 [adopt] **have** policies and procedures concerning contact with victims and the provision of informa-  
32 tion to victims concerning sexual assault forensic evidence kits. The policies and procedures must  
33 include:

34 “(a) A requirement that the agency designate at least one person within the agency to receive  
35 all telephone inquiries concerning sexual assault forensic evidence kits and to serve as a liaison  
36 between the agency and the Department of State Police.

37 “(b) A requirement that, at the time that a sexual assault forensic evidence kit is collected, a  
38 victim be provided with the contact information of a person described in paragraph (a) of this sub-  
39 section.

40 “(c) Provisions allowing sexual assault victims to request and receive information concerning  
41 sexual assault forensic evidence kits, including but not limited to the location, testing date and  
42 testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are  
43 matches to DNA profiles in state or federal databases and the estimated destruction date for the  
44 kit.

45 “(d) A requirement that a person described in paragraph (a) of this subsection provide, in re-

1 sponse to a victim inquiry concerning a sexual assault forensic evidence kit, any information the  
2 victim requests in a manner of communication designated by the victim, as soon as possible and  
3 within 30 days of the inquiry, unless the agency declines to provide the information pursuant to  
4 paragraph (e) of this subsection.

5 “(e) Provisions allowing the agency to decline to provide information that interferes with the  
6 investigation or prosecution of a case.

7 “(f) A procedure that allows a sexual assault victim to provide the agency with written author-  
8 ization for a designee to access information on the victim’s behalf.

9 “(g) Provisions allowing a victim to contact a person described in paragraph (a) of this sub-  
10 section to request that an untested nonanonymous kit be reclassified as an anonymous kit, or an  
11 untested anonymous kit be reclassified as a nonanonymous kit, and a requirement that the agency  
12 notify the department of the reclassification.”.

13 In line 2, delete “6” and insert “7”.

14 In line 20, delete “counties within this state” and insert “law enforcement agencies located in  
15 rural jurisdictions”.

16 In line 21, delete “cities within this state” and insert “law enforcement agencies located in ur-  
17 ban jurisdictions”.

18 In line 25, delete “domestic violence” and insert “sexual assault” and after “advocate” insert  
19 “from a community-based organization”.

20 In line 28, delete “and”.

21 After line 28, insert:

22 “(b) Examine and identify improvements for law enforcement training on responding to and in-  
23 vestigating sexual assaults;

24 “(c) Examine and identify improvements for victim access to evidence other than sexual assault  
25 forensic evidence kits, including but not limited to police reports and other physical evidence;

26 “(d) Examine and identify possible procedures for the testing of anonymous kits;

27 “(e) Examine and identify additional rights of victims concerning the sexual assault forensic  
28 evidence kit testing process; and”.

29 In line 29, delete “(b)” and insert “(f)”.

30 On page 5, line 2, delete “Legislative Administration Committee” and insert “Committee Ser-  
31 vices office of the Legislative Assembly”.

32 In line 8, delete “Legislative Administration”.

33 In line 9, after “Committee” insert “Services office of the Legislative Assembly”.

34 In line 14, delete “7” and insert “8” and delete “6” and insert “7”.

35 In line 15, delete “8” and insert “9” and delete “5” and insert “6”.

36 In line 17, delete “9” and insert “10”.

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