

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1571**

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
5 insert “from whom a sexual assault forensic evidence kit has been
6 collected.”.

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

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

10 “(3)(a) The department shall designate an entity, position or class of po-
11 sitions to receive inquiries from law enforcement agencies and victims seek-
12 ing information concerning the testing of sexual assault forensic evidence
13 kits.

14 “(b) The department shall prohibit victims from directly contacting a
15 forensic laboratory performing testing of sexual assault forensic evidence
16 kits and may not publicize a means for victims to contact the laboratory.

17 “(4)(a) As soon as practicable, the department shall ensure that the re-
18 sults from testing sexual assault forensic evidence kits that are eligible to
19 be entered into the Combined DNA Index System are entered into the system
20 after the testing results are obtained.

21 “(b) No later than July 1, 2019, the department shall provide a written

1 report to the interim committees of the Legislative Assembly related to the
2 judiciary, in the manner provided in ORS 192.245, describing the
3 department's progress in entering results from testing sexual assault forensic
4 evidence kits into the Combined DNA Index System.”.

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

7 Delete lines 21 through 23 and insert:

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

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

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

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

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

16 “(d) A requirement that a person described in paragraph (a) of this sub-
17 section provide, in response to a victim inquiry concerning a sexual assault
18 forensic evidence kit, any information the victim requests in a manner of
19 communication designated by the victim, as soon as possible and within 30
20 days of the inquiry, unless the agency declines to provide the information
21 pursuant to paragraph (e) of this subsection.”.

22 After line 9, insert:

23 “(g) Provisions allowing a victim to contact a person described in para-
24 graph (a) of this subsection to request that an untested nonanonymous kit
25 be reclassified as an anonymous kit, or an untested anonymous kit be re-
26 classified as a nonanonymous kit, and a requirement that the agency notify
27 the department of the reclassification.”.

28 Delete lines 10 through 45.

29 On page 4, delete line 1 and insert:

30 **SECTION 5. A medical facility collecting sexual assault forensic**

1 **evidence kits shall, within seven days after the collection of a kit,**
2 **notify the law enforcement agency with jurisdiction over a possible**
3 **sexual assault criminal investigation that the kit has been collected.**

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

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

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

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

16 “(c) A time limit by which a sexual assault forensic evidence kit must be
17 submitted to the Department of State Police for testing that is within 14 days
18 after taking possession of the kit from a medical facility.

19 “(d) A requirement that the law enforcement agency submit to the de-
20 partment information sufficient to allow the department to prioritize the
21 testing of a sexual assault forensic evidence kit according to the rules of the
22 department.

23 “(e) A prohibition on the submission of an anonymous kit to the depart-
24 ment for testing.

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

28 “(2) [*No later than January 1, 2017,*] Each law enforcement agency within
29 this state shall [*adopt*] **have** policies and procedures concerning contact with
30 victims and the provision of information to victims concerning sexual assault

1 forensic evidence kits. The policies and procedures must include:

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

6 “(b) A requirement that, at the time that a sexual assault forensic evi-
7 dence kit is collected, a victim be provided with the contact information of
8 a person described in paragraph (a) of this subsection.

9 “(c) Provisions allowing sexual assault victims to request and receive in-
10 formation concerning sexual assault forensic evidence kits, including but not
11 limited to the location, testing date and testing results of a kit, whether a
12 DNA sample was obtained from the kit, whether or not there are matches
13 to DNA profiles in state or federal databases and the estimated destruction
14 date for the kit.

15 “(d) A requirement that a person described in paragraph (a) of this sub-
16 section provide, in response to a victim inquiry concerning a sexual assault
17 forensic evidence kit, any information the victim requests in a manner of
18 communication designated by the victim, as soon as possible and within 30
19 days of the inquiry, unless the agency declines to provide the information
20 pursuant to paragraph (e) of this subsection.

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

23 “(f) A procedure that allows a sexual assault victim to provide the agency
24 with written authorization for a designee to access information on the
25 victim’s behalf.

26 “(g) Provisions allowing a victim to contact a person described in para-
27 graph (a) of this subsection to request that an untested nonanonymous kit
28 be reclassified as an anonymous kit, or an untested anonymous kit be re-
29 classified as a nonanonymous kit, and a requirement that the agency notify
30 the department of the reclassification.”.

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

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

4 In line 21, delete “cities within this state” and insert “law enforcement
5 agencies located in urban jurisdictions”.

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

8 In line 28, delete “and”.

9 After line 28, insert:

10 “(b) Examine and identify improvements for law enforcement training on
11 responding to and investigating sexual assaults;

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

15 “(d) Examine and identify possible procedures for the testing of anony-
16 mous kits;

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

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

20 On page 5, line 2, delete “Legislative Administration Committee” and in-
21 sert “Committee Services office of the Legislative Assembly”.

22 In line 8, delete “Legislative Administration”.

23 In line 9, after “Committee” insert “Services office of the Legislative As-
24 ssembly”.

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

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

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

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