

**SB 795 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Lininger

**House Committee On Judiciary**

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**Action Date:** 05/10/17

**Action:** Do Pass the A-Eng bill.

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

**Exc:** 1 - Gorsek

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Requires provider of sexual assault medical assessment, or law enforcement officer, to contact victim advocate and make reasonable efforts to ensure advocate is available to victim at medical facility where assessment is conducted. Requires advocate to clearly inform victim that victim may decline services of advocate and prohibits advocate from impeding medical services or investigation.

**ISSUES DISCUSSED:**

- Trauma associated with sexual assault
- Resources to assist victim with recovery
- Benefits of contacting victim at earliest opportunity

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 147.395 to 147.403 require hospitals and other medical service providers to adopt policies for the treatment or referral of acute sexual assault patients, when those policies are not otherwise required by law. If these facilities perform sexual assault medical assessments for evidentiary purposes, they are required to adopt specified guidelines, employ or contract with a qualified examiner for adult victims and, pursuant to law adopted in 2016, notify a law enforcement agency within seven days after collecting a sexual assault forensic evidence kit. With the assistance of the victim, these medical facilities may seek reimbursement from the state for the costs of conducting medical assessments.

These statutes also require each district attorney to convene a sexual assault response team to develop protocols for responding to sexual assault victims. Similarly, each law enforcement agency in the state is required to have policies and procedures to provide information to victims who have had a medical assessment performed for evidentiary purposes. Senate Bill 795-A requires that a victim advocate be contacted and, if possible, be present at the medical facility in which a sexual assault medical assessment is performed, while requiring the advocate to inform the victim that the victim may decline the services of the advocate.