

## **HB 4049 -4, -5, -6 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/13, 2/15

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#### **WHAT THE MEASURE DOES:**

Directs Department of State Police to establish committee on tracking of sexual assault forensic evidence kits (SAFE kits). Specifies duties of committee and membership. Requires Department of State Police to implement the recommendations of the committee for SAFE kit tracking system. Provides requirements of tracking system. Requires all law enforcement agencies, medical facilities, crime laboratories, and others to fully participate in tracking system within one year of system becoming operational. Requires status report to Legislature no later than January 1, 2019. Declares emergency; effective on passage.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-4 Makes clarifying changes. Exempts records and information within the tracking system from inspection of public records statutes. Directs the required report be given to Task Force on Sexual Assault Forensic Evidence Kits, rather than to legislative committees.

-5 Makes clarifying changes. Exempts records and information within the tracking system from inspection of public records statutes. Updates the timeline for Task Force on Testing of Sexual Assault Forensic Evidence Kits, extending its existence until July 31, 2020. Requires Task Force to monitor implementation of SAFE kit tracking system and to include status update on implementation within its final report to the legislature.

-6 Clarifies that system must allow parent or guardian of minor sexual assault victim to have access to system. Clarifies information available to victim includes status of analysis of kit. Includes prosecutors and private laboratories in list of entities authorized to access tracking system.

##### **BACKGROUND:**

Sexual assault forensic evidence kits (SAFE kits) are a series of tests and evidence collected from a victim of sexual assault. SAFE kits are collected in a medical setting by a specially trained nurse. The evidence gathered includes DNA, which may be tested in an effort to learn or verify the identity of an assailant. In 2016, Oregon began aggressively testing the backlog of untested kits. At the start of 2016, there were approximately 5,600 untested SAFE kits in Oregon. While great efforts have been made to reduce the backlog, other factors have increased the number of kits being tested. At the beginning of 2017, OSP had 742 SAFE kits in its backlog. By the end of 2017, the Oregon State Police had tested 1,062 kits and had 1,194 untested kits pending for testing.

House Bill 4049 specifies that the Oregon State Police shall form a committee to develop a SAFE kit tracking system. The measure specifies the duties of the committee and its members. The Department of State Police is required to report to the Legislature no later than January 1, 2019.