

HB 4049 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 02/15/18

Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (Printed A-Eng.)

Vote: 10-0-1-0

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

Exc: 1 - Gorsek

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

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 committee's recommendations for a 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 Task Force on Testing of Sexual Assault Forensic Evidence Kits, Governor, and Attorney General no later than January 1, 2019. 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. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Steady decline in backlog of SAFE kits for testing
- Increased number of kits submitted
- Need for specialized tracking system
- Desire for Task Force to continue efforts

EFFECT OF AMENDMENT:

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 Testing of Sexual Assault Forensic Evidence Kits, rather than to legislative committees. 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. 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, the Oregon State Police (OSP) had 742 SAFE kits in its backlog. By the end of 2017, OSP had tested 1,062 kits and had 1,194 untested kits pending for testing.

HB 4049 A STAFF MEASURE SUMMARY

House Bill 4049-A specifies that OSP shall form a committee to develop a SAFE kit tracking system. The measure specifies the duties of the committee and its members, and requires a report to the SAFE Kit Task Force, the Governor, and Attorney General by January 1, 2019. Additionally, the measure extends the lifetime of the Task Force until July 31, 2020.