

## HOUSE AMENDMENTS TO HOUSE BILL 4049

By COMMITTEE ON JUDICIARY

February 19

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;  
2 amending sections 7 and 8, chapter 89, Oregon Laws 2016;”.

3 In line 7, delete “task force” and insert “committee”.

4 In line 28, delete “victims of sexual assault” and insert “a victim of sexual assault, or a parent  
5 or guardian of a victim if the victim is a minor,”.

6 On page 2, line 1, after “location” delete the rest of the line and insert “of the victim’s sexual  
7 assault forensic evidence kit and the status of analysis, including but not limited to the initiation  
8 and completion of testing.”.

9 In line 3, after “agencies” insert “, prosecutors, private laboratories”.

10 After line 10, insert:

11 “(4) Records and information within the tracking system described in this section are exempt  
12 from disclosure under ORS 192.311 to 192.478.”.

13 In line 14, after “to” delete the rest of the line and delete lines 15 and 16 and insert “the Task  
14 Force on the Testing of Sexual Assault Forensic Evidence Kits established by section 7, chapter 89,  
15 Oregon Laws 2016, and to the Governor and Attorney General.

16 “**SECTION 4.** Section 7, chapter 89, Oregon Laws 2016, is amended to read:

17 “**Sec. 7.** (1) The Task Force on the Testing of Sexual Assault Forensic Evidence Kits is estab-  
18 lished.

19 “(2) The task force consists of 16 members appointed as follows:

20 “(a) The President of the Senate, in consultation with the Senate Minority Leader, shall appoint  
21 two nonvoting members from among members of the Senate. The two members appointed under this  
22 paragraph may not be from the same political party.

23 “(b) The Speaker of the House of Representatives, in consultation with the House Minority  
24 Leader, shall appoint two nonvoting members from among members of the House of Representatives.  
25 The two members appointed under this paragraph may not be from the same political party.

26 “(c) The Governor shall appoint 12 members as follows:

27 “(A) The coordinator of the Attorney General’s Sexual Assault Task Force.

28 “(B) Two survivors of sexual assault with experience with the sexual assault forensic evidence  
29 kit collection.

30 “(C) A sexual assault nurse examiner.

31 “(D) A person designated by the Superintendent of State Police who has expertise in the anal-  
32 ysis of sexual assault forensic evidence kits.

33 “(E) A person with experience seeking and applying for grants and other private funding.

34 “(F) A person representing law enforcement agencies located in rural jurisdictions.

35 “(G) A person representing law enforcement agencies located in urban jurisdictions.

1 “(H) A person representing the Oregon Association Chiefs of Police.

2 “(I) An attorney with experience prosecuting crimes.

3 “(J) An attorney with experience in criminal defense.

4 “(K) A sexual assault victims’ advocate from a community-based organization.

5 “(3) The task force shall:

6 “(a) Examine the process for gathering and analyzing sexual assault forensic evidence kits in  
7 this state;

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

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

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

13 “(e) Examine and identify additional rights of victims concerning the sexual assault forensic  
14 evidence kit testing process; *[and]*

15 “(f) Identify and pursue grants and other funding sources in order to eliminate the backlog of  
16 untested sexual assault forensic evidence kits, reduce testing wait times, provide victim notification  
17 and improve efficiencies in the kit testing process[.]; **and**

18 “**(g) Monitor the implementation of the sexual assault forensic evidence kit tracking**  
19 **system described in section 2 of this 2018 Act.**

20 “(4) A majority of the voting members of the task force constitutes a quorum for the transaction  
21 of business.

22 “(5) Official action by the task force requires the approval of a majority of the voting members  
23 of the task force.

24 “(6) The task force shall elect one of its members to serve as chairperson.

25 “(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
26 become immediately effective.

27 “(8) The task force shall meet at times and places specified by the call of the chairperson or of  
28 a majority of the voting members of the task force.

29 “(9) The task force may adopt rules necessary for the operation of the task force.

30 “(10)(a) The task force shall complete the duties described in subsection (3) of this section no  
31 later than July 31, [2018] **2020**.

32 “(b) The task force shall submit, in the manner provided by ORS 192.245, **to an interim com-**  
33 **mittee of the Legislative Assembly related to the judiciary:**

34 “**(A)** A report that includes recommendations for legislation [*to an interim committee of the*  
35 *Legislative Assembly related to the judiciary*] no later than December 1, 2018.

36 “**(B) A final report that includes a status update on the implementation of the sexual**  
37 **assault forensic evidence kit tracking system and recommendations for legislation no later**  
38 **than December 1, 2020.**

39 “(11) The [*Committee Services office of the Legislative Assembly*] **Legislative Policy and Re-**  
40 **search Director** shall provide staff support to the task force.

41 “(12) Members of the task force who are not members of the Legislative Assembly are not en-  
42 titled to compensation, but may be reimbursed for actual and necessary travel and other expenses  
43 incurred by them in the performance of their official duties in the manner and amounts provided for  
44 in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid  
45 out of funds appropriated to the [*Committee Services office of the Legislative Assembly*] **Legislative**

1 **Policy and Research Director** for purposes of the task force.

2 “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task  
3 force in the performance of the task force’s duties and, to the extent permitted by laws relating to  
4 confidentiality, to furnish information and advice the members of the task force consider necessary  
5 to perform their duties.

6 “**SECTION 5.** Section 8, chapter 89, Oregon Laws 2016, is amended to read:

7 “**Sec. 8.** Section 7, [*of this 2016 Act*] **chapter 89, Oregon Laws 2016**, is repealed on June 30,  
8 [2019] **2021**.”.

9 In line 17, delete “4” and insert “6”.

10 In line 24, delete “5” and insert “7”.

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

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