

House Bill 4049

Sponsored by Representative BARKER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of State Police to establish multidisciplinary committee on tracking of sexual assault forensic evidence kits. Directs department to adopt recommendations of committee and to create and maintain statewide electronic sexual assault forensic evidence kit tracking system. Establishes requirements of tracking system.

Directs department to, no later than January 1, 2019, report on status of tracking system to interim committees of Legislative Assembly related to judiciary and to Governor and Attorney General.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sexual assault forensic evidence kits; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 181A.323 to**
5 **181A.326.**

6 **SECTION 2. (1) The Department of State Police shall establish a multidisciplinary com-**
7 **mittee on the tracking of sexual assault forensic evidence kits. The task force shall:**

8 (a) **Develop recommendations for establishing a statewide electronic sexual assault**
9 **forensic evidence kit tracking system.**

10 (b) **Identify and pursue state and federal funding to establish the tracking system, in-**
11 **cluding grants.**

12 (c) **Be composed of members that include law enforcement professionals, crime lab per-**
13 **sonnel, prosecutors, victim advocates, victim attorneys, survivors and Sexual Assault Nurse**
14 **Examiners or Sexual Assault Forensic Examiners.**

15 (d) **Monitor the tracking system's implementation for at least two years and recommend**
16 **necessary modifications.**

17 (2) **The department shall implement the recommendations of the multidisciplinary com-**
18 **mittee and create and maintain the statewide electronic sexual assault forensic evidence kit**
19 **tracking system. The department may contract with state or private entities, including but**
20 **not limited to private software and technology providers, for the creation, operation and**
21 **maintenance of the tracking system. The tracking system must:**

22 (a) **Record the status of sexual assault forensic evidence kits from the collection site**
23 **throughout the criminal justice process, including but not limited to the initial collection at**
24 **medical facilities, inventory and storage by law enforcement agencies or crime labs, analysis**
25 **at crime laboratories and storage or destruction after completion or analysis.**

26 (b) **Allow all agencies or facilities that receive, maintain, store or preserve sexual assault**
27 **forensic evidence kits to update the status and location of the kits.**

28 (c) **Allow victims of sexual assault to anonymously access the system and to receive up-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **dates regarding the location and status of the victim’s sexual assault forensic evidence kit.**

2 **(d) Use electronic technology that allows continuous access to the tracking system by**
3 **victims, medical facilities, law enforcement agencies and crime laboratories.**

4 **(3)(a) The department may phase in the requirement of initial participation in the**
5 **tracking system according to region, volume of sexual assault forensic evidence kits or other**
6 **appropriate classifications.**

7 **(b) Notwithstanding paragraph (a) of this subsection, all law enforcement agencies,**
8 **medical facilities, crime laboratories and other facilities that receive, maintain, store or**
9 **preserve sexual assault forensic evidence kits are required to fully participate in the tracking**
10 **system within one year of the tracking system’s initial date of operation.**

11 **SECTION 3. No later than January 1, 2019, the Department of State Police shall submit**
12 **a report on the status of the statewide electronic sexual assault forensic evidence kit**
13 **tracking system described in section 2 of this 2018 Act, including plans concerning the launch**
14 **and implementation of the tracking system, to the interim committees of the Legislative**
15 **Assembly related to the judiciary in the manner provided under ORS 192.245, and to the**
16 **Governor and Attorney General.**

17 **SECTION 4. (1) Section 2 of this 2018 Act becomes operative 90 days after the effective**
18 **date of this 2018 Act.**

19 **(2) The Department of State Police may adopt rules and take any other action before the**
20 **operative date specified in subsection (1) of this section that is necessary to enable the de-**
21 **partment, on and after the operative date specified in subsection (1) of this section, to ex-**
22 **ercise all of the duties, functions and powers conferred on the department by section 2 of**
23 **this 2018 Act.**

24 **SECTION 5. Section 3 of this 2018 Act is repealed on February 1, 2019.**

25 **SECTION 6. This 2018 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
27 **on its passage.**

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