

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4049**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; 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
5 assault, or a parent 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
7 “of the victim’s sexual assault forensic evidence kit and the status of anal-
8 ysis, including but not limited to the initiation 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
12 section are exempt 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
14 16 and insert “the Task Force on the Testing of Sexual Assault Forensic
15 Evidence Kits established by section 7, chapter 89, Oregon Laws 2016, and
16 to the Governor and Attorney General.

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

19 “**Sec. 7.** (1) The Task Force on the Testing of Sexual Assault Forensic
20 Evidence Kits is established.

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

1 “(a) The President of the Senate, in consultation with the Senate Minor-
2 ity Leader, shall appoint two nonvoting members from among members of the
3 Senate. The two members appointed under this paragraph may not be from
4 the same political party.

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

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

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

12 “(B) Two survivors of sexual assault with experience with the sexual as-
13 sault forensic evidence kit collection.

14 “(C) A sexual assault nurse examiner.

15 “(D) A person designated by the Superintendent of State Police who has
16 expertise in the analysis of sexual assault forensic evidence kits.

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

19 “(F) A person representing law enforcement agencies located in rural ju-
20 risdictions.

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

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

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

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

26 “(K) A sexual assault victims’ advocate from a community-based organ-
27 ization.

28 “(3) The task force shall:

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

1 “(b) Examine and identify improvements for law enforcement training on
2 responding to and investigating sexual assaults;

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

6 “(d) Examine and identify possible procedures for the testing of anony-
7 mous kits;

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

10 “(f) Identify and pursue grants and other funding sources in order to
11 eliminate the backlog of untested sexual assault forensic evidence kits, re-
12 duce testing wait times, provide victim notification and improve efficiencies
13 in the kit testing process[.]; **and**

14 **“(g) Monitor the implementation of the sexual assault forensic evi-
15 dence kit tracking system described in section 2 of this 2018 Act.**

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

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

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

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

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

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

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

29 “(b) The task force shall submit, in the manner provided by ORS 192.245,
30 **to an interim committee of the Legislative Assembly related to the**

1 **judiciary:**

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

5 “(B) **A final report that includes a status update on the implemen-**
6 **tation of the sexual assault forensic evidence kit tracking system and**
7 **recommendations for legislation no later than December 1, 2020.**

8 “(11) The [*Committee Services office of the Legislative Assembly*] **Legisla-**
9 **tive Policy and Research Director** shall provide staff support to the task
10 force.

11 “(12) Members of the task force who are not members of the Legislative
12 Assembly are not entitled to compensation, but may be reimbursed for actual
13 and necessary travel and other expenses incurred by them in the performance
14 of their official duties in the manner and amounts provided for in ORS
15 292.495. Claims for expenses incurred in performing functions of the task
16 force shall be paid out of funds appropriated to the [*Committee Services office*
17 *of the Legislative Assembly*] **Legislative Policy and Research Director** for
18 purposes of the task force.

19 “(13) All agencies of state government, as defined in ORS 174.111, are di-
20 rected to assist the task force in the performance of the task force’s duties
21 and, to the extent permitted by laws relating to confidentiality, to furnish
22 information and advice the members of the task force consider necessary to
23 perform their duties.

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

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

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

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

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

