

HB 2719 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/9, 3/8

WHAT THE MEASURE DOES:

Directs the Department of Justice to study changes to services for crime victims and report in the manner provided by ORS 192.245.

ISSUES DISCUSSED:

- Federal grant funds dependent on certain processes and procedure standards
- Update statute to ensure compliance with grant requirements
- Victim services provided by grant funds
- Risk of losing future funds if failure to meet statutory requirements of federal policy
- Defendant's constitutional protections
- Victim notification of right to request testing
- Provision is not intended to change impact on defendant just ensuring timing requirements of testing meet federal standard

EFFECT OF AMENDMENT:

-2 Replaces the measure. Amends ORS 135.139 to require that any testing for HIV and any other communicable disease ordered by the court, as described in this subsection, must be done within 48 hours of the defendant's arraignment on the indictment or information. Provides that the results of said test must be provided to the victim of the crime, or a parent or guardian of the victim, and to the defendant, as soon as practicable. States that any necessary follow-up testing must be provided as medically appropriate. Applies to crimes alleged to have been committed on or after the effective date of this 2023 Act.

BACKGROUND:

Under ORS 135.139 when a person has been charged with a crime in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, the district attorney, upon the request of the victim or the parent or guardian of a minor or incapacitated victim, shall seek the consent of the person charged to submit to a test for HIV and any other communicable disease. In the absence of such consent or failure to submit to the test, the district attorney may petition the court for an order requiring the person charged to submit to a test for HIV and any other communicable disease.

House Bill 2719, if amended by the proposed amendment, would amend the statute to include that if the testing required under ORS 135.139 is requested by the victim and ordered by the court it must be done within 48hrs of the defendant's arraignment for the underlying offense and be provided to the victim or their guardian as soon as practicable. States that any necessary follow-up testing must also be provided as medically appropriate.