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April 26, 2023

Re: Support for HB 2719A

Dear Chair Prozanski, Vice Chair Thatcher, and members of the Committee,

My name is Melissa Erlbaum and I serve as the Executive Director of Clackamas Women's Services (CWS) and have worked in the victim services field for over 25 years.

The mission of Clackamas Women's Services (CWS) is to break the isolation of domestic and sexual violence. Incorporated in 1985 as Clackamas County's first domestic violence shelter, CWS is a community-based organization providing comprehensive, culturally responsive, and trauma-informed services to survivors of domestic/dating violence, sexual assault, elder and vulnerable adult abuse, human trafficking, exploitation, and stalking.

Oregon is out of compliance with prompt testing notification requirements for eligibility for certain federal grant funding for services to victims of domestic violence and sexual assault.

Current Oregon law (ORS 135.139) addresses the circumstances, standards, and protocols regarding testing for HIV or other communicable diseases when it appears that the transmission of bodily fluids may have occurred during a crime. The provision of counseling and referral for appropriate health care and support services for victim and defendant regarding test results is addressed by the OHA rule.

Since ORS 135.139 was last amended in 2014, implementation practices across the state have largely evolved to ensure that victims in qualifying cases receive prompt testing and notification of test results. However, these timing protocols are not codified in statute.

Because the testing and notification timeline protocols are not codified in statute, Oregon is now out of compliance with Federal (34 U.S.C. 10461(d)) eligibility requirements for certain grant funding for services to victims of domestic violence, sexual assault, dating violence, and stalking. If states do not have timeline protocols codified in statute, grantees are subject to a 5% reduction in grant awards. Federal funding is a critical resource for our public safety system in Oregon, shoring up state, county, and city funding across the state.

Clackamas County is a recipient of these funds from the U.S. Department of Justice Office on Violence Against Women's Improving Criminal Justice Response grant program. This multi-year grant funds a collaborative approach to enhance our response to victims that access support through the criminal justice system. Our project includes funding for the Clackamas County District Attorney's Office, Clackamas County Circuit Court, Clackamas County's Children, Family and Community Connections office, and Clackamas Women's Services.

Our partners work together through A Safe Place Family Justice Center to provide greater access to victims and enhance offender accountability. Through this project, victims have access to protective orders through a video-court system that is supported by a grant-funded court clerk position. The video-court program is in our Center where victims are surrounded by wrap-around support services such as advocacy, counseling, and children's services.

As you can imagine, this service significantly improves a victim's experience when engaging with the criminal justice system. For example, when a survivor and their children are seeking a protective order there is a children's playroom and a kitchen for meals and snacks so that children are cared for while the survivor/victim works with an advocate to file paperwork and appear before the judge remotely. Before and after the hearing supportive services such as emergency shelter and safety planning are available. Another example is when our elder community members are seeking elder abuse and vulnerable adult protective order. They can complete paperwork in a safe and comfortable setting with the support of an advocate.

This project also funds enhancing culturally specific services as well as access to civil legal services through Clackamas Women's Services.

HB 2719-1 will amend Oregon statute consistent with federal eligibility regulations regarding prompt HIV testing and notification of testing results in eligible cases. This change is in keeping with best practice and will remove the 5% penalty in federal funding sanction for important services for victims of domestic violence, sexual assault, dating violence, and stalking.

The bill will amend current Oregon law consistent with 34 U.S.C. 10461(d) to provide that:

1. In cases that qualify for testing under current law, such testing must be done within 48 hours of information or indictment, when the offender is in custody or has been served with the information or indictment;
2. Follow-up testing will be provided as medically appropriate; and
3. As soon as practicable, notice of test results will be given to the victim (or parent/guardian) and to the defendant.

We urge your support of this bill because it implements best practice timelines and notification practices that support victim safety and because federal grant programs are imperative for our entire public safety and criminal justice system.

Sincerely,



Melissa Erlbaum
Executive Director