

HB 2719 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 2/9

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:

EFFECT OF AMENDMENT:

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Replaces the measure. Amends ORS 135.139 to require that the testing for HIV and any other communicable disease 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.

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 it must be done within 48hrs of the defendant's arraignment for the underlying offense.