

HB 2719 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser Blouin

Senate Committee On Judiciary

Action Date: 05/03/23

Action: Do pass the A-Eng bill.

Vote: 3-0-1-1

Yeas: 3 - Gelser Blouin, Manning Jr, Prozanski

Exc: 1 - Thatcher

Abs: 1 - Linthicum

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 4/26, 5/3

WHAT THE MEASURE DOES:

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 the measure.

ISSUES DISCUSSED:

- Update statute to ensure compliance with federal grant requirements regarding timing of testing
- Provision does not change findings court must make before ordering testing
- Victim notification of right to request testing

EFFECT OF AMENDMENT:

No amendment.

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 occurred, 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 A requires 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, 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.