

Requested by Representative LEWIS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3093**

1 On page 1 of the printed bill, delete lines 5 through 26.

2 On page 2, delete lines 1 through 11 and insert:

3 **“SECTION 1. (1)(a) An entity operating a local correctional facility**
4 **shall obtain a blood or buccal sample in accordance with this section**
5 **for any person who is arrested for:**

6 **“(A) A person felony, as that term is defined in the rules of the**
7 **Oregon Criminal Justice Commission;**

8 **“(B) A sex crime, as defined in ORS 163A.005; or**

9 **“(C) Burglary in the first degree, as defined in ORS 164.225.**

10 **“(b) A law enforcement officer who arrests a person for a crime**
11 **described in paragraph (a) of this subsection shall deliver the person**
12 **to the appropriate local correctional facility so that the blood or**
13 **buccal sample may be obtained.**

14 **“(2)(a) A blood sample may only be drawn in a medically acceptable**
15 **manner by a licensed professional nurse, a licensed practical nurse, a**
16 **qualified medical technician, a licensed physician or a person acting**
17 **under the direction or control of a licensed physician.**

18 **“(b) A buccal sample may be obtained by anyone authorized to do**
19 **so by the entity operating the local correctional facility. The person**
20 **obtaining the buccal sample shall follow collections procedures estab-**
21 **lished by the Department of State Police.**

1 “(c) A test result, or an opinion based upon a test result, of a blood
2 or buccal sample obtained under this section is not inadmissible as
3 evidence solely because of deviations from procedures adopted by the
4 department that do not affect the reliability of the opinion or test re-
5 sult.

6 “(d) A person authorized by this section to obtain a blood or buccal
7 sample may not be held civilly liable for obtaining a sample in ac-
8 cordance with this section.

9 “(3) A sample is not required to be obtained under this section if:

10 “(a) The entity operating the local correctional facility has previ-
11 ously obtained an adequate blood or buccal sample of the person;

12 “(b) The department notifies the operating entity that it has previ-
13 ously received an adequate blood or buccal sample of the person in
14 accordance with ORS 137.076, 161.325 or 419C.473; or

15 “(c) Obtaining a sample would create a substantial and unreason-
16 able risk to the health of the arrested person.

17 “(4) The entity operating the local correctional facility shall cause
18 the blood or buccal sample to be transmitted to the department in
19 accordance with any procedures that may be established by the de-
20 partment.

21 “(5) The blood or buccal sample may be analyzed during or imme-
22 diately following the arrest of the person, or at any time thereafter,
23 in accordance with procedures established by the department.

24 “(6) The department may adopt rules to carry out the provisions
25 of this section.

26 “(7) As used in this section ‘local correctional facility’ has the
27 meaning given that term in ORS 169.005 and includes lockups and
28 temporary holds, as those terms are defined in ORS 169.005.”.

29 In line 22, after “analyses” insert “and ensure such information is entered
30 into the appropriate databases of the Combined DNA Index System”.

