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Senate passes ‘Melissa’s Law’ to require sexual assault evidence kit testing

SB 1571 requires all law enforcement agencies in the state to test rape kits

SALEM – The Oregon Senate today passed legislation that will help law enforcement identify sex offenders and bring justice to victims.

Senate Bill 1571 – also known as “Melissa’s Law” in honor of 14-year-old Melissa Bitler, who was raped and murdered in 2001 – passed by a 28-0 vote in the Senate. The bill ensures accountability for the testing of sexual assault forensic evidence (SAFE) kits by tightening timelines and standardizing the handling and retention of such kits. The bill also makes law enforcement agencies more responsive to sexual assault victims by requiring agencies to have clear policies and personnel in place to work with victims.

Bitler’s tragic story helped bring to light an ongoing, nationwide concern over untested SAFE kits. According to an inventory completed by Oregon State Police in late 2015, there are approximately 5,652 untested SAFE kits in Oregon. Processing these kits may assist with identifying suspects and prosecuting sex crimes.

“When a sexual assault victim submits to an invasive and uncomfortable sexual assault examination, we have moral obligation to ensure that evidence is tested and used to pursue justice,” said Sen. Sara Gelser (D-Corvallis), chief sponsor of the bill. “Melissa’s Law (SB 1571) not only puts us on track to eliminate the backlog of thousands of untested rape kits in our state, but it also extends important new protections to rape victims, allowing them access to information about the status of the evidence. The bill also ensures that critical evidence will finally be loaded into the national database, making it easier to prevent new crimes from

occurring. With this bill, Oregon moves to the front of the line in terms of strength of protections for rape victims. This is something we can all be proud of, and I'm glad that we are able to do it in Melissa's name."

Under Senate Bill 1571, every law enforcement agency in the state will be required to have procedures for the timely collection, testing, retention and destruction of SAFE kits, including a requirement to submit all non-anonymous SAFE kits to the Oregon State Police for testing within 21 days of a kit's initial collection. Any test results must be immediately entered into the Combined DNA Index System (CODIS), which can be a critical tool for identifying repeat offenders. In addition, the bill also directs all law enforcement agencies — including Oregon State Police — to have clear policies, procedures and dedicated staff in place to communicate with victims and respond to their questions.

Along with these critical provisions to tackle the existing backlog and prevent future buildup of untested SAFE kits, the bill promotes ongoing Legislative oversight through annual required progress reports and through the creation of a special multidisciplinary Task Force on the Testing of Sexual Assault Forensic Evidence Kits.

SB 1571 now goes to the House of Representatives for consideration.

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