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Community.

HIV testing law well-intentioned But problems may arise in application

By Kym Gilhooly **Emerald Reporter**

A new Oregon law designed to protect crime victims has 'good intentions but tough practical applications," according to Lane County District Court Judge Ann Aiken.

The law requires that judges inform people charged with crimes and their alleged victims of the availability of human immunodeficiency virus testing and counseling if the nature of the crime suggests that the transmission of body fluids may have occurred.

An HIV test screens for the presence of the virus that causes AIDS, or the antibodies the body produces to fight the

The law further states that, upon conviction, a judge may order testing for the convicted person at the request of the victim, provided the victim first submits to an HIV test.

"It's a piece of legislation that has great intentions but is difficult to implement." Aiken said, citing budget constraints. testing confirmation, and sensitivity when dealing with victims as potential problem areas.

Crimes affected by the new legislation would certainly include sex crimes, Aiken said, but might also include other assault crimes as well. She said victims' rights bill, and that's

"But the argument from a medical standpoint is that it's ridiculous to wait until a person is convicted 10 months down the road." Foster added. "The issue should be dealt with immediately to offer the

'It's a piece of legislation that has great intentions but is difficult to implement.' — Judge Ann Aiken

the district attorney's office would have to inform judges at the time of a person's arraignment if the crime committed was applicable.

Aiken is working with Lane County Victims' Assistance Program coordinator Lori Nelson to establish guidelines for implementation of the law in Lane County

State Rep. Jim Edmunson (D-Eugene), said the bill, which went into effect in Oct. 1989. was adopted overwhelmingly by the Oregon House and Senate because it effectively balances public health concerns and the rights of the victim against the confidentiality of the convicted person.

Dr. Lawrence Foster of the Oregon State Health Division said the proposal for the bill was the result of the combined efforts of the Marion County district attorney's office, the Lane County sheriff's office. and the health division's HIV policy committee.

Basically we (the HIV policy committee) said we didn't like the final draft of the bill but we wouldn't fight it." Fosvictim HIV testing and counsel-

Jim Clay, interim administrator for the Willamette AIDS Council, said the new law is another example of "society's search for a definitive way to deal with HIV.

The law attempts to use HIV testing as a tool to improve a "horrible situation," Clay said. but he added its effectiveness is

Clay said even if a person tests negative for HIV, it may only mean the person hasn't yet produced antibodies, which may take from six weeks to six months to appear.

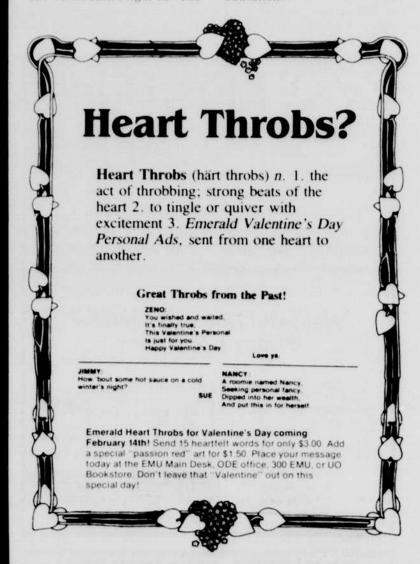
'And if the perpetrator tests positive, what value does that serve?" Clay asked. "The presence of antibodies still only says what the status of the perpetrator is, not the victim.

While Clay thinks it is a positive step that people are drafting new legislation concerning HIV issues. he said the public would be better served by legislation mandating the availability of HIV counseling and rape education.



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