

2007 Session Highlights

New Public Safety Academy Operations & 16 Week Basic Training Remain Intact

The final agreement on the DPSST budget that was adopted by the Oregon Legislature and signed by the Governor will insure that DPSST will have the resources necessary to deliver the 16 week basic academy and to fully operate the new academy. As approved, the budget includes \$49 million in other fund dollars for DPSST programs and services, and \$11.2 million in general fund dollars for repayment of the agency's construction debt. This budget will provide the resources necessary to preserve the current schedule of 16 week basic training classes.



Oregon Legislature Funds 100 New Trooper Positions for 2007-2009 Biennium

The Oregon Legislative Assembly approved the Oregon State Police Budget with a restoration of 47 troopers that the Governors Budget removed from the General Fund and with 100 new trooper positions. The purpose of these additions to the budget is an attempt to provide "limited" 24 hour coverage throughout the state. Legislative budget drafters admit that additional funding is needed in order to provide the kind of coverage that Oregonians and other public partners expect and need.

911 Emergency Communications Tax Extended until 2014

An extension of the 911 Emergency Communications Tax was approved by the Oregon State Legislature late in the Session. The Emergency Communications Tax was passed in 1981 (25 years ago). While the 3-4 session extension of the 911 tax is very important, the tax should be a dependable source of revenue over time and we will work in future sessions to remove the sunset in order to make the tax permanent. Tax measures, like the 911 tax require a 2/3 vote in order to secure passage.

OWIN Project (Interoperability) Receives Critical Planning Money

The funding necessary to properly prepare for authorization of the Oregon Wireless Interoperability Network was appropriated by the Oregon Legislature. This is one of the most significant (and expensive) public safety projects in the last 30 years and full authorization won't take place until detailed planning and procurement are completed. The legislature was "sticker shocked" by an initial cost estimate of over 600 million for complete implementation (weren't we all). The planning effort will identify all partnership opportunities, federal funding participation and efficiencies in order to provide the legislature with a solid proposal during the 2008 "short version" Legislative Session.

"After decades of neglect and anemic funding, the legislatures commitment to funding 100 new Oregon State Police Troopers is a welcome development!"



Audio Recording Notice Exemption for Tasers and In-Car-Video Approved

HB 2651 carves out an exemption from the requirement to give the audio recording notice when a law enforcement officer in uniform, displaying a badge and operating a vehicle-mounted video camera (that records in front, around or within a police vehicle) unless the officer has a reasonable opportunity to inform participants that the conversation is being recorded and when a taser with audio/video capability is utilized.

2005 Session Highlights, Cont.

Legislative Assembly gives the “Green Light” to Photo Red Light for all Cities

With the passage of HB 2508, all cities are authorized to utilize red light photo enforcement cameras at intersections without a restrictions on the number of cameras or intersections employing the technology. Prior to the 2007 Legislative Session, authority to utilize photo red light was reserved for cities over 30,000 in population and the City of Newberg (pilot project). While passage of this photo red light measure was difficult, the final result will provide cities with an effective tool in the battle to create safer intersections.



Mutual Aid Legislation Provides an “Umbrella” for Agencies Providing Assistance

With the passage of Senate Bill 330, Oregon has a mutual aid umbrella for the state available to jurisdictions whenever a response for assistance is needed in a location where a pre-arranged agreement for aid doesn't exist. Senate Bill 300 was drafted by a work group on emergency preparedness led by Henry Reimann of the Hillsboro Police Department on behalf of the Oregon Association Chiefs of Police. This bill was the first measure passed out of the Joint Committee on Emergency Preparedness and Ocean Policy during the session and represented a significant accomplishment.

PERS Hourly Restriction Exemption for DPSST Instructors Signed into Law

SB 342 allows a retired member who is employed by the Department of Public Safety Standards and Training as an instructor to be employed full-time without the loss of retirement benefits. As DPSST struggles with the challenges associated with delivering a high quality 16 weeks of scenario based basic training, this measure will help DPSST to keep the experienced instructors they need. As a general rule, PERS retirees are limited to 1040 hours in a year without impacting their retirement benefits.

Metal Theft Measure Captures the Attention of Oregon Lawmakers

The widespread epidemic of metal theft throughout the State of Oregon, the United States and in countries throughout the world created a strong impetus for a wide range of groups and business to band together to address the problem. HB 3026, an important first step in the campaign to interdict the illegal metal trade, HB 3026 requires scrap metal dealers to keep purchase records that include a significant amount of documentation including a description of the property, ID documentation, License Plate information and video surveillance of the seller.

“The metal theft epidemic brought together a unique collection of interests...agriculture, law enforcement, business, the metal industry...together they forwarded meaningful metal theft legislation.”

Oregon Voters will Consider Civil Forfeiture Restoration in 2008

During the 2005 Legislative Session, legislation was passed to restore aspects of civil forfeiture contingent on an unconstitutional ruling by the Oregon Supreme Court on Ballot Measure 3. When Ballot Measure 3 was upheld, HB 3457 and the provisions it contained failed to become law. SJR 18 is designed to refer the issue to voters for consideration. A favorable vote would “enact” the provisions contained in HB 3457 by making them constitutional. These provisions include a restoration of civil forfeiture as a law enforcement drug interdiction tool.



ALCOHOL/DUII

HB 2147: Youth Driving Privilege Denial for Alcohol

HB 2147 expands the age range for courts to deny driving privileges for offenses involving alcohol from youths ages 13-17 to youths ages 13-20. The age range for license suspension for drug offenses (809.260) will remain at ages 13-17. The new driving suspension provisions for alcohol offenses will be located in a new ORS site separate from ORS 809.260.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 359

HB 2148: Class A Violation for MIP While Driving

HB 2148 amends ORS 471.430 to make possession of alcohol while operating a motor vehicle a Class A violation for underage persons. Possession of alcohol at a house party will continue to be a Class B Violation. This measure was introduced at the request of the Attorney General's Underage Drinking Task Force.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 41



HB 2149: Court Ordered Alcohol Assessment Expansion

HB 2149 expands ORS 471.430(6) to authorize courts to order alcohol assessment and treatment for any underage person (as opposed to only persons between ages 18 and 20) who commits an alcohol offense for first time. This measure also makes alcohol assessment and treatment mandatory for repeat underage alcohol offenders.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 298

HB 2651: Out-Of-State DUII Convictions/Diversion

Please Note: HB 2651, referred to as the "omnibus crime bill", includes a number of provisions related to crime. The following provisions of HB 2651 relate to the DUII issues within the bill. Additional provisions within the measure can be found on page 29 of the report.

House Bill 2651 includes a number of DUII provisions including the following:

- amends ORS 813.215 to permanently prevent a person with a prior felony driving under the influence of intoxicants (DUII) conviction in Oregon, or elsewhere, from participating in Oregon's diversion program.
- clarifies statutes regarding out-of-state DUII convictions that count against a person in Oregon by providing that an offense from another jurisdiction is the equivalent to an Oregon DUII offense if it's:
 1. a statutory counterpart of ORS 813.010
 2. a DUII offense that "involved the impaired driving or operation of a vehicle, aircraft, or boat due to the use of intoxicating liquor, controlled substance, inhalant or any combination of thereof"; or
 3. a driving offense "that involved operating a vehicle while having a blood alcohol content above the jurisdictions permissible blood alcohol content."

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 879

"Oregon DUII laws continue to show an aggressive intolerance for drinking and driving."

HB 2651: Out-Of-State DUII Convictions, Cont.

- HB 2651 further clarifies that an impaired driving offense from another jurisdiction will be treated as a conviction/charge under Oregon's DUII statute for the following purposes:
 1. Prosecution for felony DUII under ORS 813.010
 2. Determining diversion eligibility under ORS 813.215
 3. Denial of diversion under ORS 813.220
 4. Extending the duration of a license suspension under ORS 813.430
 5. Ordering permanent revocation of driving privileges under ORS 809.235
 6. Vehicle forfeiture for a DUII conviction under ORS 809.730

HB 2740: Aggravated Vehicular Homicide Crime

HB 2740 creates the crime of Aggravated Vehicular Homicide in cases where the convicted person was previously convicted for Manslaughter in the First Degree, Manslaughter in the Second Degree or Criminally Negligent Homicide where DUII is involved. Aggravated Vehicular Homicide occurs when the current offense is committed with criminal negligence, recklessly or recklessly with extreme indifference to the value of human life. This measure includes the following sentencing provisions:

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 867

- Creates the Crime of Aggravated Vehicular Homicide as a Class A felony and sets the sentence at 240 month (20 year). This measure insures that our most dangerous and egregious DUII offenders receive an appropriate sentence for the terrible tragedy that results from their actions.
- Sets a 120 month (10 year) sentence in cases where the convicted offender has a previous conviction for a DUII related Assault in the First Degree, Assault in the Second Degree, Assault in the Third Degree or felony DUII (at least three previous convictions for Driving Under the Influence of Intoxicants in the 10 years prior to the date of the current offense).
- Provides that Assault in the First Degree is a Class A felony and carries a mandatory 90 month sentence. Assault in the First Degree occurs when the offense is committed intentionally, knowingly, recklessly or with criminal negligence causing serious physical injury to another while Driving Under the Influence of Intoxicants and operating a motor vehicle.



"This measure insures that our most dangerous and egregious DUII offenders receive an appropriate sentence for the terrible tragedy that results from their actions."

HB 2774: Ignition Interlock Device Requirement Increase

Oregon law (ORS 813.602) currently requires ignition interlock devices for persons convicted of driving under the influence of intoxicants (DUII) for the six-month period after the person's license is suspended (Violation of this condition is a Class A traffic violation). HB 2774 increases the length of time an ignition interlock device is required to one year for a first conviction and two years for a second or subsequent conviction. This measure also requires an increase in the time an ignition interlock device is required when a person fails to submit proof that an ignition interlock device has been installed or tampers with an ignition interlock device after it is installed to:

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 655

- **One year** following the end of a suspension or revocation resulting from a first conviction.
- **Two years** following the end of a suspension or revocation resulting from a second or subsequent conviction.

HB 2895: Health Care Provider BAC Notice

HB 2895 amends ORS 676.260 to require health care providers to provide quicker notice to law enforcement officers when a patient is believed to be a driver involved in a motor vehicle crash and has a blood alcohol level (BAC) that meets or exceeds the legal limit. This measure requires the health care provider to provide notice:

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 662

- to any law enforcement officer who is present at the health care facility, acting in his or her official capacity and investigating the motor vehicle crash, or
- to a law enforcement agency in the county in which the accident occurred or to an Oregon State Police dispatch center within 72 hours (when an officer is not present when the test result is obtained).



SB 347: DUI Discovery Disclosure Clarification

SB 347 includes the following provisions:

- Clarifies that prosecutors are not required to disclose the schematics, source codes, or software of an instrument used to test a person's breath, blood, or urine (unless the material is in the actual possession or control of the state).
- Clarifies that prosecutors in DUI cases must provide (at a minimum) officer reports, test result reports, Intoxilyzer operator checklists and implied consent forms at discovery.
- Provides that a DUI prosecution cannot be dismissed based solely on the unavailability of a private witness served with a subpoena for trial.

VITAL STATISTICS

Effective Date: June 25, 2007
2007 ORS Site: Chapter 581



BUDGETS AND FUNDING

HB 2130: Funding Distribution for Victims Programs

HB 2130 allows the Attorney General discretion in deciding the amount of funds from the Criminal Injuries Compensation Account to distribute to victims' assistance programs operated by the district attorney. This measure changes the current wording in the law from an authorization to "distribute up to one-half of the funds in the account" to an authorization to distribute "a portion of the funds in the account".

VITAL STATISTICS

Effective Date: July, 1, 2007
2007 ORS Site: Chapter 24

HB 2369: 911 Tax Authorization Extension

HB 2369 extends the sunset date on the emergency communication tax to the year 2014. Subscribers who have telecommunications services (including cellular, wireless and other radio common carriers) are currently assessed a tax of .75 per month. The funds collected are deposited into the Emergency Communications account and are distributed by the office of Emergency Management to the 9-1-1 communication districts.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 629

HB 2401: 911 Operator Early Retirement Exception

HB 2401 provides an early retirement exception under the Public Employee Retirement System for 911 operators. Under the measure, telecommunicators/911 operators are allowed to become eligible for PERS after 25 years of services. However, no cost allowance is made available until the member reaches 55 years of age. A telecommunicator is defined in statute as a person employed as an emergency telephone worker (official duties are receiving information through a 9-1-1 emergency reporting system, and relaying such information to public or private safety agencies or dispatching emergency equipment or personnel in response to such information) or as a public safety dispatcher (primary duties are receiving, processing, and transmitting public safety information received through a 9-1-1 emergency reporting system).

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 404

CALL 9-1-1



HB 2833: Public Safety Memorial Fund Beneficiaries

HB 2833 includes the following provisions related to the Public Safety Memorial Fund:

- Requires agencies to provide a designation of beneficiary form to a public safety officer at the time he or she is hired or utilized as a volunteer for the purpose of designating a beneficiary to receive benefits from the Public Safety Memorial Fund.
- Allows a person designated as a beneficiary to receive benefits from the Fund.
- Allows a family member or parent to receive benefits if no beneficiary is designated.
- Expands the definition of child to include a person 18 to 22 years of age and enrolled as a full-time undergraduate student or 18 years of age or older and incapable of self-support due to physical or mental disability (expanded from current language identifying 19 years or older).

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 378

HB 5533: Oregon State Police Budget

Note...the following review of the Oregon State Police Budget identifies key components of the budget and is not meant to provide a comprehensive review.

The mission of the Department of State Police (OSP) is "...to develop, promote and provide protection to the people, property and natural resources of the state, along with ensuring the state's safety and livability by serving, protecting and educating its citizens and visitors through leadership, action, coordination, and cooperation with our public safety partners." Functions include patrol, criminal investigations, forensic lab services, and fish and wildlife law enforcement along with a number of expanded responsibilities added over a number of years including the Office of the State Fire Marshal, Law Enforcement Data Systems, Office of the Medical Examiner and the Boxing and Wrestling Commission among others.

VITAL STATISTICS

Effective Date: June 15, 2007
2007 ORS Site: Chapter 439

The Oregon State Police budget approved by the Oregon Legislature for the 2007-09 biennium includes \$327 million in total funds and 1,235.74 full-time equivalent positions. This includes a 13.4 percent increase that is adjusted to reflect the transfer of Oregon Emergency Management the Oregon Military Department and the transfer of portions of Criminal Justice Services Division (elements transferred out of Oregon State Police).

Patrol Services Division:

Includes funding for 100 new patrol troopers for the purpose of increasing patrol operations. In addition, 46 patrol positions were shifted to the General Fund from the auto insurance surcharge funding approach used in the Governor's Recommended Budget (13.4 million). The new trooper positions are funded to include trooper compensation, a car, digital cameras, and other necessary equipment.

Criminal Investigation Division

Includes \$0.5 million to fund three sworn detective positions to focus on fraud and identity theft crimes in cooperation with local agencies.

Includes \$0.8 million to fund four sworn detectives (troopers) for narcotics, specifically related to methamphetamine investigations in cooperation with local agencies. It also includes funding for one position for the growing Sex Offender Registry workload.

Includes \$0.7 million of "Other Funds" to continuation the work of the Tobacco Compliance Task Force (funds five positions for the remaining 18 months of 2007-09. This taskforce is a joint effort by the Oregon State Police, Department of Justice and Department of Revenue.

Forensic Services Division

Includes funding for 15 positions in the forensic lab system to meet workload and backlog issue related to DNA. This is half of the number of positions needed but is all the Forensic Services Division can fill within the 2007-09 biennium. This package also includes \$1.1 million in resources for contracting out for testing an estimated 28,000 DNA samples currently backlogged.

Administrative Services

Includes \$1.5 million (14 positions) in funding to restore staff lost in past biennia that provide critical administrative support to the agency including a budget manager, fiscal analyst, a trades maintenance position for central fleet command, dispatch staff and managers among others.



"The Oregon State Police Budget Includes funding for 100 new patrol troopers for the purpose of providing 24-hour patrol operations."



HB 5536: DPSST Budget

Note...the following review of the Department of Public Safety Standards and Training Budget identifies key components of the budget and is not meant to provide a comprehensive review.

The DPSST Budget approved in SB includes \$49 million in other fund dollars for DPSST programs and services, and \$11.2 million in general fund dollars for repayment of the agency's construction debt. While the budget is \$1.8 million shy of the Governor's Recommended Budget level for DPSST, the agency did secure an additional 22.42 FTE in full and part-time positions, which will enable DPSST to better meet the training and certification mission of the agency. The adopted budget includes the following key components:

- The training division received an additional 10.25 positions that will enhance the delivery of DPSST's new 16-week basic police training course. In addition, these new positions will give the agency additional support for high-quality scenario-based training and the development of new officers' skills and professionalism.
- Two full time equivalent (FTE) positions were added to Standards and Certification to help them keep better pace with the existing certification and compliance workload issues.
- Fire program received an additional \$200,000 to purchase, design and implement phase II of the Academy Training and Operations Management System (ATOMS). The system, which currently enables the agency to schedule all campus classrooms, training venues, dorms and conference rooms, will be expanded to include all constituent information, so officer and private professional records will be held in a single database, instead of multiple databases. This will enable the agency to streamline registration and maintenance training tracking processes in the future. The project will begin with the fire program and then be expanded to the rest of the agency later.

VITAL STATISTICS

Effective Date: June 28, 2007
2007 ORS Site: Chapter 730



The final version of the DPSST budget failed to include \$1.8 million that was originally included in the Governors budget. As a result, the following programs were impacted:

- Nearly \$800,000, received in the last biennial budget was cut from DPSST's Instructor Development Course program. This will translate into fewer potential IDC's being offered by the agency, and could have an impact on local law enforcement agency's ability to deliver maintenance training to officers in their local communities.
- Maintenance of the new academy including 213 acres of land and more than 300,000 square-foot of building space and electronic systems, will be impacted because only 3 of 7 positions that were recommended by the Governor were approved.
- The final DPSST budget failed to include \$275,000 worth of training and facility maintenance equipment purchase requests. The agency was given limitation to make these purchases, but no additional dollars were allocated. Put simply, the agency will make these purchases from cash-carryover in the new biennium.

"The adopted DPSST insures that the agency will have the resources necessary to deliver the full schedule of 16 week basic courses for 2007-2009."

Corrections/Parole and Probation

HB 2241: Alternative Incarceration Treatment Program

HB 2241 eliminates language in statute requiring the Department of Corrections to base its special alternative incarceration treatment program (currently being operated at the Shutter Creek Correctional Facility in North Bend) on a “military basic training model” and provides that the program shall:

- Shall reflect evidence based practices
- Shall include a component of intensive self-discipline, physical work and physical exercise.
- Shall be at least 270 days in duration
- May include a drug and alcohol treatment component that meets the standards promulgated by the Department of Human Services pursuant to ORS 430.357.

VITAL STATISTICS

Effective Date: June 25, 2007
2007 ORS Site: Chapter 617

SB 190: Bodily Fluids Testing Expansion for DOC Employees

SB 190 adds employees of the Department of Corrections to the list of persons who can petition the circuit court for an order compelling the testing of another person for HIV and hepatitis B or C when the employee comes into contact with the bodily fluids of a person in the performance of his or her official duties. Previous law only allowed corrections officers and not other employees of the Department of Corrections to petition the court for this purpose.

VITAL STATISTICS

Effective Date: May 30, 2007
2007 ORS Site: Chapter 228



COURTS/SENTENCING

HB 2138: Pretrial Release for Violent Felonies

HB 2138 attempts to reconcile statutory provisions relating to the pretrial release of certain defendants with provisions of the Oregon constitution [Article I, section 43(1)(b)]. This measure bars the pretrial release of a defendant charged with a violent felony:

- Except when the defendant is charged by indictment, that there is probable cause to believe that the defendant committed the crime; and
- By clear and convincing evidence, that there is a danger of physical injury or sexual victimization to the victim or members of the public by the defendant while on release.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 194

HB defines “violent felony” for purposes of these provisions as “a felony offense in which there was an actual or threatened serious physical injury to the victim, or a felony sexual offense”.

HB 2322: Affidavit by Telephone/Judicial Provisions

HB 2322 includes a wide range of provisions including the following:

Search Warrants:

HB 2322 allows an affidavit in support of a search warrant to be sworn to over the telephone and includes the following additional provisions:

- Requires the judge administering the oath over the telephone to state in writing the manner and time of the oath's administration.
- Requires the police officer giving the oath to note on the affidavit that it was sworn to over the telephone.

VITAL STATISTICS

Effective Date: June 22, 2007
2007 ORS Site: Chapter 547



Appeal of Amended and Supplemental Criminal Judgments:

- Requires that an amended notice of appeal on a corrected or supplemental criminal judgment be filed no later than 30-days after the defendant receives notice that the judgment has been entered.
- Proscribes that the request for leave to file a notice of appeal after the 30-day time limit must be filed no later than 90 days after the defendant receives notice that the judgment has been entered.
- Requires the court to immediately forward a copy of a supplemental judgment to the appellate court if a sentencing court enters a supplemental judgment.

Practice of Law by Judges:

Provides that a judicial officer appointed or elected to a full-time position may not act as an attorney in an action or proceeding except in the following circumstances:

- if the judicial officer is an active member of the Oregon State Bar and is either a party to the action or proceeding or,
- the judicial officer has a direct interest in the action or proceeding.

Clarifies that a judge of a county court or justice court who is an active member of the Oregon State Bar:

- May act as an attorney in a court other than the court in which the judge presides; and
- May not be engaged in the practice of law with an attorney who appears in the court in which the judge presides.

Clarifies that a judge pro tempore may not preside in an action or proceeding if an attorney who is engaged in the practice of law with the judge appears in the action or proceeding.

Stay of Judgment on Appeal:

Clarifies that an automatic stay of a judgment on an appeal takes effect only after the party files a notice of appeal and has filed any supersedeas undertaking required for the stay with the trial court.

Excerpt of Record on Appeal:

Authorizes the prevailing party, on appeal, to recover the cost of copying the trial court record.

Emergency Circuit Court Locations:

Authorizes the Chief Justice to designate locations for the sitting of circuit courts during an emergency and allows the designated location to reside outside the circuit court's judicial district.

Consolidation of Domestic Relation Cases and Juvenile Cases:

Clarifies the process for consolidating juvenile dependency and domestic relations cases in a single circuit court and replaces references to "judicial district" with "circuit court" for the purpose of the statute.

Appointed Judges of the Court of Appeals:

Clarifies that judges who are appointed to the Court of Appeals are counted in determining that a majority of a three judge panel consist of either elected or appointed Court of Appeals judges.

"A wide range of judicial provisions were added to HB 2322...the original measure only authorized the use of affidavit by telephone in support of search warrants."



HB 2379: DA Discretion for Possession of Heroin/Ecstasy

HB 2379 allows district attorneys to treat unlawful possession of heroin or unlawful possession of 3, 4-methylenedioxymethamphetamine (ecstasy) as a Class A misdemeanor. Prior to the 2005 Legislative Session, Oregon separated controlled substances by schedule classification. After 2005, heroin and ecstasy were identified individually in statute (ORS 475.854 for heroin and 475.874 for ecstasy) and district attorneys were no longer authorized to treat possession of these drugs as a misdemeanor (they were treated as felonies). This measure restores this discretion to district attorneys.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 286

SB 258: Sentencing Enhancement Provisions

SB 258 includes the following provisions related to the sentencing enhancement provisions in Oregon Law:

- It makes the sentencing enhancement provisions permanent by repealing Section 20, chapter 463, Oregon Laws 2005 (Section 20 called for the repeal of the sentencing enhancement provisions on January 2, 2008).
- It provides that the Oregon Evidence Code applies to sentencing enhancement trials by amending ORS 40.015.
- It expressly states that alternate jurors may be utilized in enhancement trials.
- It identifies July 7, 2005 as the relevant date for considering what actions are subject to the enhancement provisions.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 16

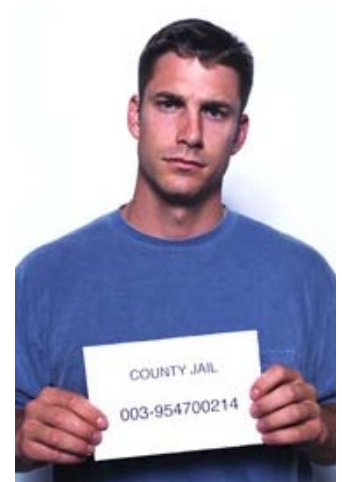
SB 553: Adoption of Sentencing Guidelines Amendments

SB 553 approves adoption of amendments to the sentencing guidelines made by the Oregon Criminal Justice Commission (OCJC) in response to legislation enacted during the 2005 legislative session including:

- Changes the word “mailed” to “furnished” for purposes of notice.
- Classifies Unlawful Contact with a Child, and Custodial Sexual Misconduct in the First Degree as Person Felonies.
- Classifies Custodial Misconduct in the Second Degree, Unlawfully being in a Location Where Children Regularly Congregate and Maintaining a Dangerous Dog as Class A Misdemeanors.
- Modifies the definition of “presumptive sentence” in light of repeat methamphetamine sentences.
- Modifies the duration of “post prison supervision.”
- Sets the guideline level for Custodial Sexual Misconduct I and Unlawful Contact with a Child as a category 7 crime.
- Modifies rule to allow a court to submit sentencing information electronically.
- Classifies Child Neglect in the First Degree as a category 6 crime.
- Classifies Disorderly Conduct in the First Degree as a category 4 crime.
- Categorizes Assault I on a Child Under Six as a category 10 crime.
- Confirms amendments for the renumbering of drug crimes in category 6, category 4, and category 1.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 171



CRIMES/VIOLATIONS

HB 3026: Metal Theft Legislation

HB 3026 includes the following provisions related to the sale of scrap metal to dealers:

- Defines a “Scrap metal dealer” as a person engaged in the business of purchasing or receiving nonferrous metal property for aggregation and sale to a metal processor or metal recycler and defines a “Seller” as a person who sells or delivers the property or otherwise makes the property available to the scrap metal dealer.
- Requires metal purchase records kept by scrap metal dealers to include:
 1. the date and time of the transaction;
 2. the name of the person conducting the transaction for the dealer;
 3. a general description of the property, including any readily discernible marks;
 4. a copy of the seller’s license, passport or ID card;
 5. the amount of consideration given;
 6. if over \$100, a declaration by the seller that the metal was not stolen;
 7. video surveillance of the seller (must retain for 30 days); and
 8. the vehicle/license plate of the seller.
- Replaces the existing criminal sanctions for failing to maintain a record and replaces these with a civil fine system. The first to third offenses result in a \$1,000 fine. The fourth or subsequent offenses result in a \$5,000 fine.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 475



“The widespread epidemic of metal theft throughout the State of Oregon brought together a large and diverse coalition of groups motivated to address the problem. ..HB 3026 is a first important step.”

HB 3379: Criminal Possession of a Rented/Leased Vehicle

HB 3379 creates a new Class C felony of “criminal possession of a rented or leased motor vehicle” if either of the following is true:

- a person rents a vehicle from a commercial renter pursuant to a written agreement, fails to return the vehicle as specified, the commercial renter serves the person with a written demand, and the person fails to return the vehicle within three days of receiving the demand, OR
- a person leases a vehicle from a commercial lessor pursuant to a written agreement, the person is at least 45 days late on a payment, the commercial lessor serves the person with a written demand, and the person knowingly fails to return the vehicle within three days of receiving the demand.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 684

The “written demand” discussed above is accomplished by delivery of a demand letter “through any commercial overnight service that can supply a delivery receipt.” The demand must be sent to the person who rented or leased the vehicle at the address the person provided at the time of renting/leasing the vehicle. If the address originally supplied by the person renting or leasing the vehicle is inaccurate, the person is considered to have refused the demand. HB 3379 allows the rentee/lessee to raise a contract dispute as an affirmative defense.

SB 331: Crime of Organized Retail Theft

SB 331 creates a new crime of “organized retail theft” to address organized thefts that involve multiple persons acting in concert and establishes the penalty as a Class B felony. To be guilty of organized retail theft, the state must establish that:

- the person stole merchandise;
- from a mercantile establishment;
- the person acted in concert with another person; and
- the aggregate value of the merchandise within a 90-day period exceeds \$5,000.

SB 331 places organized retail theft within Oregon’s RICO (Racketeer Influenced and Corrupt Organization Act) statute.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 498



SB 447: Identity Theft Definition Additions

SB 447 makes the following changes to definitions as they relate to the crime of identity theft:

- adds the words “living or deceased” to the definition of “another person” within the statute,
- expands the definition of personal identification to include the identifying number of a person’s depository account at a “trust company”.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 583

“The occurrence of identity theft crimes continues to grow at an alarming and unacceptable rate...new tools are needed to stem the tide.”

SB 464: Crime of Aggravated Identity Theft

SB 464 creates a new Class B felony for aggravated identity theft. A person commits the crime of aggravated identity theft if:

- The person violates ORS 165.800 (identity theft) in 10 or more separate incidents within a 180-day period;
- The person violates ORS 165.800 (identity theft) and the person has a previous conviction for aggravated identity theft;
- The person violates ORS 165.800 (identity theft) and the losses incurred in a single or aggregate transaction are \$10,000 or more within a 180-day period; or
- The person violates ORS 165.800 (identity theft) and has in the person’s custody, possession or control 10 or more pieces of personal identification from 10 or more different persons.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 584

SB 464 defines “previous conviction” for the purpose of the statute as:

- Convictions occurring before, on or after the effective date of this 2007 Act; and
- Convictions entered in any other state or federal court for comparable offenses.

SB 464 provides that the state shall plead in the accusatory instrument and prove beyond a reasonable doubt, as an element of the offense, the previous conviction for aggravated identity theft. SB 464 also allows trials involving aggregate transactions in more than one county to be held in any county in which one of the acts of theft, forgery or identity theft was committed.



SB 590: Crime of Military Impersonation

SB 590 modifies ORS 162.365 by providing that a person acting in the assumed character of an active member or veteran of the Armed Forces of the United States with the intent to obtain a benefit, to injure, or defraud another or to facilitate an unlawful activity is guilty of the crime of criminal impersonation. Impersonation of a active member or veteran of the Armed Forces is a Class A misdemeanor.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 510

SB 694: Restrictive Confinement of a Pregnant Pig

SB 694 creates a Class A violation for “restrictive confinement of a pregnant pig” if a person confines a pregnant pig for more than 12 hours in any 24-hour period in a manner that prevents the pregnant pig from lying down and fully extending its limbs, or turning around freely (defined as being able “to turn in a complete circle without an impediment, including a tether, and without touching any side of the enclosure”). The measure creates exceptions for a pregnant pig that is being transported, part of a rodeo or state or county fair, being slaughtered, part of lawful research, being examined by a veterinarian, or in the seven-day period before the pig gives birth. SB 694 applies to the confinement of pigs after January 1,

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 722



SB 1017: Permissive Aggravated Animal Abuse Reporting

SB 1017 enacts legislation to encourage the permissive reporting of animal cruelty by a public or private official who has reasonable cause to believe that an animal with which the official has come in contact has suffered aggravated animal abuse, or that any person with whom the official has come in contact has committed aggravated animal abuse. The measure provides that a report of suspected aggravated animal abuse authorized under SB 1017 may be made to a law enforcement agency, either orally or in writing, and may include information about the animals involved, information about the owner or person responsible for the care of the animal, information about the nature and extent of the abuse, evidence of previous aggravated animal abuse, any explanation given for the suspected abuse or any other information the person making the report believes may be helpful in establishing the cause of the suspected abuse or the identity of the person causing the abuse. The measure further provides that a public or private official who acts in good faith and has reasonable grounds for making a report of suspected aggravated animal abuse under this section is not liable in any civil or criminal proceeding brought as a result of making the report.

In SB 1017, the legislature notes the clear link between animal cruelty and crimes of domestic violence, including child abuse.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 731



CRIMINAL RECORDS CHECKS

HB 2047: Fingerprinting for Educators

HB 2047 authorizes the Teacher Standards and Practices Commission (TSPC) and the Department of Education (DOE), in two separate statutory chapters, to require fingerprints of persons who work in, or contract with, public, private, or charter schools that have direct, unsupervised contact with children.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 35

HB 2252: Fingerprinting Authorization (Various Entities)

HB 2252 provides specific authorization to the Oregon Department of Consumer and Business Services (DCBS), Oregon Commission for the Blind, Oregon Office of Private Health Partnerships, Oregon Real Estate Commissioner, Oregon Board of Radiologic Technology, Oregon Board of Accountancy, and Housing and Community Services Department to require fingerprinting of certain persons for purposes of criminal background checks.

VITAL STATISTICS

Effective Date: June 26, 2007
2007 ORS Site: Chapter 619



DPSST LEGISLATION

HB 2225: DPSST Employee Certification Clarification

HB 2225 includes the following provisions:

- establishes that a DPSST employee who is certified as a police officer, certified reserve officer, corrections officer, parole and probation officer, a fire service professional, a telecommunicator, or an emergency medical dispatcher is considered a full-time public safety officer in their certified discipline for the purposes of denying, revoking, or suspending certification; eligibility to apply for benefits from the Public Safety Memorial Fund; and eligibility to be honored at a fallen law enforcement memorial.
- allows a fire service professional employed full-time by the Department of Public Safety Standards and Training (DPSST) to maintain his or her professional certification as a fire service professional even though not employed by a fire fighting department.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 361

HB 2226: Private Security Fee Designation

HB 2226 clarifies that the fees the Department of Public Safety Standards and Training (DPSST) receives from private security providers and investigators are to be used to pay for DPSST's expenses associated with the regulation of private security providers and investigators.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 362

SB 169: BPSST Regulation of Investigators

SB 169 modifies statutes that guide the role of the Board on Public Safety Standards as it relates to the regulations of investigators. This measure specifies that the Board (rather than the Department), in conjunction with the Private Security Policy Council shall:

- Establish reasonable minimum standards of physical, emotional, intellectual and moral fitness for investigators.
- Prescribe fees relating to the application for and the issuance, renewal and inactivation of investigators licenses, and for the issuance of identification cards. Each fee may not exceed the cost of administering the program of the Department of Public Safety Standards and Training for which the fee was established. The board shall prescribe penalties for late renewal of licenses.
- Adopt a test of investigator competency.
- Establish rules of professional conduct to be followed by investigators.
- Adopt rules specifying those crimes and violations for which a conviction requires the denial, suspension or revocation of licensure as an investigator.

DPSST retains the authority to: (1) investigate violations; (2) create a website; (3) provide for professional development of investigators; and (4) collect fees. The remaining provisions of SB 169 apply the appropriate terminology (*i.e.*, replace “department” with “board”) in other statutory provisions.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 320



DRUGS/METHAMPHETAMINE

HB 2309: Drug House Rehabilitation

HB 2309 requires the Construction Contractors Board to create an alternative to the required contractor bond for nonprofit organizations rehabilitating illegal drug manufacturing sites. House Bill 2309 facilitates rehabilitation and community development by allowing alternatives to current bonding requirements for the nonprofit. Alternatives listed in the measure include an equivalent letter of credit or a cash deposit. Under the measure, the Construction Contractors Board is given rulemaking authority to develop such alternatives to bonding for the nonprofit.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 203



HB 2340: Crime Lab Analyst Court Appearance

HB 2340 amends ORS 475.235 to state that a certified copy of a crime lab report is admissible and sufficient at trial *unless* the defense has provided written notice of an objection. The defense must serve this written notice at least 15 days prior to trial on the court and the district attorney. A formal subpoena is no longer required. This measure was introduced to address a recent Oregon Supreme Court decision (*State v. Birchfield*, decided April 19, 2007) that found that current Oregon statute violated a defendant's constitutional right

“to meet the witnesses face to face” under Article I, Section 11 of the Oregon Constitution. According to the court, requiring the defendant to subpoena the criminalist was too burdensome for the defense. The Oregon Supreme Court suggested that a notice to the state, in advance of trial signaling that the defense wanted the criminalist present at trial, would address the concern.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 636

HB 2782: Precursor Transaction Report Exemption

HB 2782 adds an exception to the crime of failing to report a precursor substance transaction for transactions involving the sale or transfer of "an isomer of a precursor substance, unless it is an optical isomer." Generally, an "isomer" refers to a chemical species with the same number and types of atoms as another chemical species, but possessing different properties. An optical isomer refers to chemical species that are mirror images of one another.

ORS 475.950 makes the failure to report certain "precursor substance" transactions in the proper manner (to the Oregon State Police) a Class A misdemeanor.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 253



HB 3313: Decontamination of Drug Houses (Liens)

HB 3313 includes the following provisions related to the decontamination of properties deemed "unfit for use" because of drug activity (drug houses):

Requires a county or other local government, before incurring costs to decontaminate properties deemed "unfit for use" because of drug activity, to provide notice to each owner of record for the property and to each person that has a mortgage, trust deed or other lien on the property recorded in the county deed records.

A notice given by the county or local government to an owner or lienholder shall allow the owner or lienholder not less than 60 days to respond.

Any costs incurred by the county or local government to secure a property that is a nuisance described in ORS 105.555 (1)(c) and have the property decontaminated and certified as fit for use under ORS 453.885 shall constitute a lien against the property declared to be a nuisance from the time a notice specifying the costs is filed of record. Notwithstanding subsection (3) of this section, the priority of a lien created under this subsection is governed by section 1 (4) of this 2007 Act.

A lien under ORS 105.585 (2) for costs incurred by the county or local government in decontaminating and obtaining certification of the property is superior to, has priority over and shall be fully satisfied before all other liens, judgments, mortgages, security interests or encumbrances on the property other than tax liens, regardless of the date of creating, filing or recording of the lien, judgment, mortgage, security interest or encumbrance, if the county or other local government incurs the cost after giving notice to owners and lien holders.

VITAL STATISTICS

Effective Date: June 27, 2007

2007 ORS Site: Chapter 673

"During the 2007 Legislative Session, methamphetamine legislation continued to build on the effective bills passed in 2005."

HJR 11: Alcohol and Drug Addiction Recovery Month

HJR 11 recognizes September as Alcohol and Drug Addiction Recovery Month.

VITAL STATISTICS

Status: Filed with the Secretary of State



SB 161: Oregon Medical Marijuana Act Update

SB 161 updates provisions of the Oregon Medical Marijuana Act and includes the following provisions:

- Authorizes the Department of Human Services (DHS) to conduct criminal background checks on people responsible for grow sites and to deny or revoke a registry identification card based on a court order.
- Prohibits a person convicted for the manufacture or delivery of a controlled substances from being issued marijuana grow site registration card.
- Requires program registrants to submit (on an annual basis) documentation that the use of marijuana mitigates their symptoms and to return registry cards within 30 days if attending physician determines that the person no longer has a debilitating condition or that treatment of a debilitating condition with marijuana is contraindicated. The cardholder may seek a "second opinion" to clarify eligibility DHS may grant additional time to obtain the opinion if circumstances beyond the cardholders control prevent them from pursuing the second opinion.
- Grants immunity to employees and agents of DHS for activities within the scope of employment related to the medical marijuana program.
- Specifies that persons manufacturing or producing marijuana at a place other than an authorized grow site are not exempt from criminal charges.
- Restricts growers to growing for a maximum of four people concurrently.
- Requires a cardholder to notify the primary caregiver and person responsible for the marijuana grow site that produces marijuana for the cardholder of any change in status of the cardholder. If the department is notified by the cardholder that a primary caregiver or person responsible for a marijuana grow site has changed, the department shall notify the primary caregiver or the person responsible for the marijuana grow site by mail at the address of record confirming the change in status and informing the caregiver or person that their card is no longer valid and must be returned to the department.
- Adds agitation due to Alzheimer's disease as a debilitating medical condition (already included in the administrative rules).
- Deletes the provision that "delivery" doesn't include transfer to a person responsible for a grow site.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 573



SB 296: Marijuana Sentencing Guideline Correction

SB 296 corrects a drafting error that was adopted during the 2005 legislative session that included delivery of marijuana as a level 8 offense for the purpose of the sentencing guidelines. SB 296 clarifies that delivery of marijuana to a person under 18 years of age (if the accused is over 19 and at least 3 years older than the underage person) is a level 8 offense. It also classifies delivery of any controlled substance (other than marijuana) in Schedules I, II or III to a person under 18 years of age as a level 8 offense.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 494

EMERGENCY PREPAREDNESS

HB 2185: Public Health Laws and Authorities

House Bill 2185 authorizes the Director of Human Services to appoint an Oregon Public Health Director to perform the duties related to public health emergencies in the state. The measure also adds and expands definitions and duties related to public health and defines the authority and responsibility of the Governor, the Public Health Director, and state and local authorities during a public health emergency.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 445

Major issues addressed by this bill include:

- **Quarantine and Isolation:** The bill clearly describes procedures and conditions for quarantine and isolation. These provide individuals with better “due process” and recognition of their rights, while also making it possible for public health officials to act promptly and manage groups when needed for assessment or disease control. Oregon law as currently written does not contemplate group quarantine. This measure might be needed if there was a disease outbreak on a cruise ship, for example.
- **Consistency of response across communities and facilities:** the Public Health Director would have the authority to establish guidelines for dealing with limited medical resources or adjusting how medical care is provided if needed to deal with an overwhelming or extraordinary emergency such as an influenza pandemic. This would improve the fairness and effectiveness of medical response during challenging circumstances.
- **Management of remains:** Current state law does not provide for urgent management of large numbers of human remains. The Medical Examiner would still be in charge of the remains but there would be a requirement that she consult with the Public Health Director to ensure adequate infection control procedures are in place.
- **Toxic contamination or radiation:** Current law has gaps regarding authority to assess or manage toxic hazards.



HB 2370: OEM Transfer to the Oregon Military

HB 2370 includes the following primary provisions:

- transfers the Office of Emergency Management (OEM) from the Department of State Police (OSP) to the Oregon Military Department (OMD) including all unexpended balances of amounts authorized to be expended by OEM.
- Adds a member of the Oregon Association Chiefs of Police to the Office of Emergency Management Seismic Rehabilitation Grant Committee
- re-assigns responsibility for the State Interoperability Executive Council from the Office of Emergency Management to the Oregon State Police.

VITAL STATISTICS

Effective Date: July 3, 2007
2007 ORS Site: Chapter 740



HB 2371: Emergency Plans for Vulnerable Citizens

HB 2371 includes the following provisions requiring adult foster homes, health care facilities, residential facilities and child care facilities to adopt a plan to provide for the safety of persons receiving care in the event of an emergency that poses a threat to the life, health or safety of the persons receiving care. These provisions include:

Requires every adult foster home, health care facility and residential facility licensed or registered by the Department of Human Services to:

- Adopt a plan to provide for the safety of persons who are receiving care at or are residents of the home or facility in the event of an emergency that requires immediate action by the staff of the home or facility due to conditions of imminent danger that pose a threat to the life, health or safety of persons who are receiving care at or are residents of the home or facility; and
- Provide training to all employees of the home or facility about the responsibilities of the employees to implement the plan required by this section.
- Require the Department of Human Services to adopt by rule the requirements for the plan and training required by this section. The rules adopted shall include, but are not limited to, procedures for the evacuation of the persons who are receiving care at or are residents of the adult foster home, health care facility or residential facility to a place of safety when the conditions of imminent danger require relocation of those persons.

HB 2371 requires every certified child care facility and registered child care facility to:

- Adopt a plan to provide for the safety of children who are receiving child care at a child care facility in the event of an emergency that requires immediate action by the staff of the facility due to conditions of imminent danger that pose a threat to the life, health or safety of children who are receiving child care at the facility; and
- Provide training to all employees of the child care facility about the responsibilities of the employees to implement the plan required by this section.
- Require the Child Care Division of the Employment Department to adopt rules that establish the requirements for the plan and training required by this measure. The rules adopted shall include, but are not limited to, procedures for the evacuation of the children who are receiving child care at the child care facility to a place of safety when the conditions of imminent danger require relocation of those children.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 205



SB 330: Intrastate Mutual Assistance Compact

SB 330 establishes an efficient and permissive intrastate mutual assistance compact among local governments that will allow local government's maximum flexibility to protect life and property within their jurisdictions. The compact streamlines the process by which a local government requests assistance from another local government whenever an event occurs; and temporarily acquires resources for training, drills or exercises. The compact does not:

1. Require a local government to provide resources to a requesting local government.
2. Preclude a local government from entering into any other agreement with another local government.
3. Affect any other agreement to which a local government is a party or may become a party.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 97

See the following page for additional information regarding SB 330

SB 330: Intrastate Mutual Assistance Compact, Cont.

The key provisions of SB 330 include:

Requests for Assistance and Response: SB 330 requires that requests must be made in oral or written form by or through the presiding officer/CEO or CEO designee of the requesting local government. For oral requests, the responding agency must document its response in writing within 30 days of the request. Response and the extent of the response are voluntary and may be terminated at any time. A responding local government may withhold resources to the extent necessary to provide reasonable protection and services for the responding local government.

Command and Control: The resources of a responding local government are under the direct command and control of the requesting local government for purposes of the operational and tactical objectives required by the requesting local government. Unless otherwise directed by the requesting local government:

- The employees of the responding local government shall use the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.
- The services, equipment and supplies of the responding local government shall be used under the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.

Employment: Employees of the responding local government remain at all times employees of the responding local government and under the ultimate command and control of the responding local government.

Certification: The employee of the responding agency is considered to be licensed, certified or permitted in the jurisdiction of the requesting local government for the duration of the event or the training, drills or exercises if an employee holds a license, certificate, permit or similar documentation that evidences the employee's qualifications in a professional, technical or other skill.

Reimbursement: Clarifies that the intent of the intrastate mutual assistance compact is to provide for non-reimbursable assistance to a requesting local government. However, the measure allows reimbursement if agreed to in writing prior to deployment. Disputes regarding reimbursement are submitted to arbitration under the commercial arbitration rules of the American Arbitration Association (AAA) if not resolved within 90 days.

Injury/Benefits: Provides that a employee who sustains an injury while responding to a requesting local government is entitled to all benefits/workers compensation normally available to them when performing normal duties in their home jurisdiction.

Indemnification: Provides that the assistance rendered by an employee of a responding local government is considered a governmental function and provides that the employee of a responding local government are agents of the requesting local government. As such, the requesting local government shall defend, save harmless and indemnify an employee of a responding local government in the same way it is required to do for its own employees.



"With the passage of Senate Bill 330, Oregon has a mutual aid umbrella for the state available to jurisdictions whenever a response for assistance is needed in a location where a pre-arranged agreement for aid doesn't exist."

SB 570: Emergency Planning for Animal Welfare

SB 570 requires the Office of Emergency Management to develop animal emergency operations plans for companion animals, service animals and livestock. SB 570 includes the following provisions:

- Requires the Office of Emergency Management, in cooperation with the State Department of Agriculture and county and local governments, to prepare a written animal emergency operations plan that provides for the evacuation, transport and temporary sheltering of companion animals and service animals during a major disaster or an emergency. This measure requires OEM to emphasize the protection of human life in developing the plan and lists other provisions for consideration.
- Provides that a person engaged in search and rescue operations may make every practicable attempt under the circumstances to rescue a companion animal. However, the measure does not impose liability on or expand liability of a person engaged in search and rescue operations.
- Requires the State Department of Agriculture, in cooperation with the Office of Emergency Management and county and local governments, to prepare a written livestock emergency operations plan that provides for the evacuation, transport and temporary sheltering of livestock during a major disaster or an emergency. The measure lists other provisions for consideration by OEM in development of the plan.
- Requires the Office of Emergency Management to apply to the United States Department of Homeland Security for federal funds available under the Federal Pets Evacuation and Transportation Standards Act of 2006 to carry out the purposes of the measure.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 98



"With the passage of SJR 18, Oregonians will have the opportunity to restore aspects of civil forfeiture at the ballot box."

FORFEITURE

SJR 18: Civil Forfeiture Referral Legislation

During the 2005 Legislative Session, legislation was passed to restore aspects of civil forfeiture contingent on an unconstitutional ruling by the Oregon Supreme Court on Ballot Measure 3. When Ballot Measure 3 was upheld, HB 3457 and the provisions it contained failed to become law. SJR 18 refers the issue to voters for consideration in the May 2008 primary election. A favorable vote would "enact" the provisions contained in HB 3457 by making them constitutional (Amending Section 10, Article XV of the Constitution of the State of Oregon, the "Oregon Property Protection Act of 2000). If passed, SJR 18 would clarify that property forfeited:

VITAL STATISTICS

Status: Filed with the Secretary of State

Constitutes the proceeds of the crime for which the claimant has been convicted;

- Was instrumental in committing or facilitating the crime for which the claimant has been convicted;
- Constitutes proceeds of one or more other crimes similar to the crime for which the claimant was convicted; and

SJR 18: Civil Forfeiture Referral Legislation, Cont.

Allows forfeiture without conviction of claimant if the forfeiting agency proves the property constitutes proceeds or instrumentality of crime committed by another person and:

- The claimant took the property with the intent to defeat forfeiture of the property;
- The claimant knew or should have known that the property constituted proceeds or instrumentality of criminal conduct; or
- The claimant acquiesced in the criminal conduct in that the person knew of the criminal conduct and failed to take reasonable action to terminate the criminal conduct.

SJR 18 if enacted, would also:

- Set the standard of proof for civil forfeiture as the preponderance of the evidence if the property subject to forfeiture is personal property and clear and convincing evidence if the property is real property.
- Place the burden of proof on the person claiming cash, weapons or negotiable instruments if these items were found in close proximity to controlled substances or instrumentalities of criminal conduct.
- Allow state and local law enforcement to obtain shared proceeds from the United States Department of Justice resulting from the state or local law enforcement's participation in a federal forfeiture.
- Require that when the property being forfeited in a criminal forfeiture constitutes proceeds of one or more other similar crimes, that the claimant be notified in writing of those similar crimes and has an opportunity to challenge the seizure.

JUVENILE/CHILD

HB 2179: Criminal Background without Consent/Notice

HB 2179 authorizes the Department of Human Services to obtain criminal offender information from the Department of State Police about an individual without first obtaining the individual's written consent or without giving written notice to the individual when:

- The criminal offender record check is requested for the purpose of investigating a report of child abuse or neglect; and
- The individual is either an alleged perpetrator of the reported child abuse or neglect or is an individual who resides in or frequents the alleged victim's residence.

This legislation requires the Department of Human Services to provide written notice to the individual of the criminal offender record check after the department obtains criminal offender information pursuant to the provisions of HB 2179. The notice shall include information about the person's right to challenge the accuracy of the criminal offender information and a statement that Title VII of the Civil Rights Act of 1964 may apply to some individuals.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 543

HB 3420: County Juvenile Department Audits

HB 3420 requires the Secretary of State (SOS) to perform an audit of no fewer than four counties each biennium during 2007-2009 and 2009-2011 biennia. This measure also requires the Secretary of State to submit a report to the Legislative Assembly that contains results of the county juvenile department audits and to include recommendations for the most efficient collection of future audit data. HB 3420 requires the SOS to pay costs associated with auditing of counties from available funds or appropriations.

VITAL STATISTICS

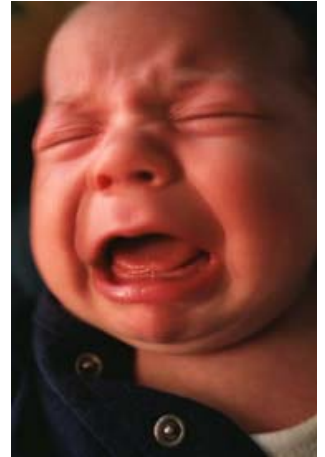
Effective Date: January 1st, 2008
2007 ORS Site: Chapter 688

HB 3113: Child Abuse at Child Care Facilities

HB 3113 requires the Department of Human Services (DHS) and a law enforcement agency to jointly determine their respective roles in conducting an investigation of child abuse after either one has received an oral report of child abuse at child care facility. The measure requires both to report the outcomes of their investigations to the Child Care Division. The Oregon Revised Statutes allow either DHS or a law enforcement agency to start an investigation to determine the nature and cause of the child abuse and to notify the Child Care Division if the alleged abuse occurred in a child care facility.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 781



HB 3328: “Karly’s Law” Child Abuse Investigations

HB 3328 creates “Karly’s Law” for Karly Sheehan, a three year old from Benton County, who was beaten to death by her mother’s boyfriend on June 3, 2005. This measure modifies the procedures involved in child abuse investigations and includes the following main provisions: Provides that if a person conducting an investigation of suspected child abuse observes a child who has suffered suspicious physical injury and the person has a reasonable suspicion that the injury may be the result of abuse, the person shall, in accordance with the protocols and procedures of the county multidisciplinary child abuse team, take the following actions:

- Immediately photograph or cause to have photographed the suspicious physical injuries; and
- Ensure that a designated medical professional conducts a medical assessment within 48 hours, or sooner if dictated by the child's medical needs.

VITAL STATISTICS

Effective Date: June 27th, 2007
2007 ORS Site: Chapter 674

These actions shall be completed each time suspicious physical injury is observed by Department of Human Services or law enforcement personnel, during the investigation of a new allegation of abuse or if the injury was not previously observed by a person conducting an investigation of reported child abuse (regardless of whether the child has previously been photographed or assessed during an investigation of an allegation of abuse).

In addition, the measure:

- Requires each county multidisciplinary child abuse team to designate at least one practitioner trained in child abuse medical assessments.
- Requires completion of a medical assessment by designated professional and photographing of injuries every time a suspicious injury is encountered during a child abuse investigation. Establishes protocols for storing and circulating photographs.

“Karly’s Law was introduced in memory of Karly Sheehan, a three year old from Benton County, who was beaten to death by her mother’s boyfriend.”

Additional provisions of “Karly’s law continue on the next page

HB 3328: “Karly’s Law”, Cont.

- Allows child to see another medical professional if a designated practitioner is not available within 48 hours and requires a designated physician to consult on the case within 72 hours following the evaluation.
- Allows designated physician to refer children under five years of age, that are found with suspicious injuries, to early intervention services or early childhood special education.
- Prohibits non-medical personnel from photographing the anal or genital region of children.
- Requires the Department of Human Services (DHS) to assign a Critical Incident Response Team to review child fatality due to abuse or neglect in cases where child had previously been a subject of a child abuse investigation.
- Protects minors’ right to refuse to consent to a medical assessment and other rights protected by state law.

HB 3328 requires the Department of Justice to submit a report documenting progress in the implementation of this measure (including any fiscal constraints encountered) to the appropriate interim legislative committee no later than October 1, 2008.

LABOR/MANAGEMENT

HB 2891: Labor Union Certification by Card Check

HB 2891 requires the Employment Relations Board to certify a labor organization as the exclusive representative of the employees of a public employer when presented with signed authorization cards by the majority (50%) of employees. The measure requires rulemaking for the purpose of developing guidelines and procedures for authenticating cards, notifying affected employees, filing a petition to request a representation election and resolving disputes. HB 2891 provides a procedure for 30 percent of the employees in a bargaining unit to request an election after a majority of workers sign cards certifying a labor organization. The request must be made within fourteen days.

VITAL STATISTICS

Effective Date: July 27, 2007
2007 ORS Site: Chapter 833

SB 400: Collective Bargaining Safety and Staffing

SB 400 modifies the definition of "employment relations" under public employee collective bargaining law to include safety issues that have an impact (beyond de minimis and insubstantial) regarding the on-the-job safety of the employees or staffing levels that have a significant impact on the on-the-job safety of the employees. The current statutory language replaced by provisions of SB 400 authorized bargaining for safety and staffing issues that have a “direct and substantial” effect on the on-the-job safety of employees.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 141

MISCELLANEOUS

HB 3369: Local Public Safety Coordinating Council Report

HB 3369 includes the following provisions related to public safety coordinating councils:

- Requires Counties that convene a local public safety coordinating council to publish an annual summary of program, service or budget changes made in response to the recommendations of the council.
- Requires that the summary be provided to the local public safety coordinating council and the Oregon Criminal Justice Commission.
- Requires counties to fill vacancies in its public safety coordinating council within three months after the vacancy occurs or as soon as possible.
- Requires the Oregon Criminal Justice Commission to add the effective utilization of local public safety coordinating councils to its comprehensive long-range plan for a coordinated state criminal justice system.
- HB 3328 requires the Department of Justice to submit a report documenting progress in the implementation of this measure (including any fiscal constraints encountered) to the appropriate interim legislative committee no later than October 1, 2008.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 682

SB 554: Public Records Request Provisions

SB 554 requires government entities to respond as soon as practicable and without undue delay to written requests for a public documents. The measure allows the public body to request clarification concerning the request and requires the entity's response to include the following:

- Acknowledgement of the request;
- A statement that the public body does not possess, or is not the custodian of the documents requested, if this be the case;
- Copies of all public documents requested and not exempted from disclosure;
- A statement that the government entity is custodian of at least some of the documents and an estimate of the time and cost associated with honoring the request;
- A statement that the public body is the custodian of some of the records and that an estimate of time and cost associated with honoring the request will be provided within a reasonable time;
- A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and respond as soon as practicable; and
- A statement that the state or federal law prohibits the public body from acknowledging whether the record exists.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 467

SB 554 removes the requirement that a person requesting a copy of a public record be given a certified copy and requires government entities to make available to the public a written procedure for making public records that include the name of the person to whom the request may be sent, the amounts charged for requests and way charges are determined.



SB 645: Shopping Cart Ordinance Authorization

SB 645 authorizes local governments to enact ordinances prohibiting the unauthorized appropriation of a shopping cart from a business premise and to provide for salvaging an abandoned shopping cart. This measure requires any adopted local ordinance to substantially comply with provisions in the statute that require the owner to post notices on the premises and on each cart that unauthorized removal is a crime under ORS 164.015, to provide a toll-free number to report abandoned carts, to retrieve or contract to retrieve abandoned carts and to retrieve carts within 72 hours. SB 645 requires the ordinance to allow the local government to take custody of a cart after 72 hours post-notice and fine the owner up to \$50. The local government shall return the custody of the cart to the owner when the fine is paid. The local government may take title to the cart and dispose of it if the owner doesn't claim the cart within 30 days.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 243

OFFICER/POLICE ISSUES

HB 2134: Interception of Electronic Communications

HB 2134 expand the circumstances in which law enforcement may lawfully intercept communications by permitting ex parte orders for the interception of wire, electronic and oral communications when there is probable cause that:

- the individual committed or is about to commit racketeering, and
- the location in question will be used to plan the crime, or is open to the public or owned by the suspect.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 442

HB 2134 also authorizes ex parte orders permitting electronic interception when:

- there is reasonable suspicion that the person whose communication is to be intercepted is committing, has committed or is about to commit a crime;
- there is a substantial risk of death, serious physical injury or sexual assault and the interception is necessary to protect the safety of the person who may be endangered;
- other investigative procedures have been tried and failed or are unlikely to succeed if tried; and
- the person suspected of committing the crime and whose oral communication is to be intercepted, if known, is identified.

Enacts sunset provision for preceding provision on January 2, 2012.

HB 2227: Polygraph Examiner Registration Changes

HB 2227 repeals the requirement that licensed polygraph examiners register with the county clerk in each county where the examiner maintains a business address. Polygraph examiners continue to be licensed and regulated by the Department of Public Safety Standards and Training in Oregon.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 47



HB 2342: False Information to a Police Officer Expansion

HB 2342 expands the crime of providing false information to a police officer to include giving false information for purpose of an arrest based on a bench warrant (issued by a judge after the person fails to make a court appearance on a pending case) or a probation warrant (issued on the recommendation of a person's probation officer for noncompliance with probation conditions). Current law already covers giving false information for purpose of an arrest based on an arrest warrant.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 771

HB 2651: Audio Recording Notice Exemptions

HB 2651 exempts law enforcement officers from the crime of failing to disclose that a conversation is being recorded to participants when:

- A law enforcement officer who is in uniform and displaying a badge and who is operating a **vehicle-mounted video camera** that records the scene in front of, within or surrounding a police vehicle, unless the officer has reasonable opportunity to inform participants in the conversation that the conversation is being obtained; or
- A law enforcement officer who, acting in the officer's official capacity, deploys a **taser** (Electro-Muscular Disruption Technology device) that contains a built-in monitoring system capable of recording audio or video, for the duration of that deployment.

ORS 165.540 generally makes it a Class A misdemeanor for a person to record conversations without the knowledge of all participants. There are certain exceptions, including but not limited to jail conversations and the recording of any conversation during a felony that endangers human life. HB 2651 adds exceptions for vehicle-mounted video cameras and tasers.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 879



HB 2765: Mandatory Mental Illness Recognition Training

HB 2765 requires the Department of Public Safety Standards and Training (DPSST) to require at least 24 hours of training in mental illness recognition, using a crisis intervention training model for basic certification as a police officer. The crisis intervention training model is a specialized, multidisciplinary course of study taught by mental health service providers, family advocates, and survivors of mental illness. The training provides skills, tools, and tactics for law enforcement personnel to safely de-escalate persons in mental illness or developmental disability crisis.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 377



HB 3407: Personal Information Disclosure Exemption

HB 3407 provides that personal information is exempt from disclosure including:

- the home address and telephone number contained in the voter registration records of a public safety officer, a district attorney or deputy district attorney and assistant attorney generals designated by the Attorney General, if the person requests that this information not be disclosed and unless the public interest requires otherwise.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 687

HB 3407: Information Disclosure Exemption, Cont.

- the name of a public safety officer, a district attorney or assistant attorney general designated by the Attorney General contained in county real property assessment or taxation records, if the person so requests and unless the public interest requires otherwise. This exemption from disclosure for property:

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 687

1. Applies only to the name of the public safety officer or attorney and any other owner of the property in connection with a specific property identified by the officer or attorney in a request for exemption from disclosure;
2. Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;
3. Applies until the public safety officer or attorney requests termination of the exemption;

Does not apply to the disclosure of records among public bodies for governmental purposes; and May not result in liability for a county if the name of a public safety officer or attorney is disclosed after a request for exemption from disclosure is made under this measure.

SB 111: Use of Deadly Physical Force

SB 111 includes the following provisions by Section:

Formation of the Planning Authority. Section 2(1).

- One in each county.
- Six members including, in addition to the District Attorney and Sheriff, a line officer, a police chief, member of the public, and representative of the Oregon State Police.

VITAL STATISTICS

Effective Date: July 27th, 2007
2007 ORS Site: Chapter 842

Participation in the Planning Authority. Sections 2(3), 9(2) and 11.

- Between the time the measure becomes law and June 30, 2008, the agency employing the line officer member of the Planning Authority must pay for at least 80 hours of participation in the Planning Authority work. Section 9(2).
- Annually after June 30, 2008, the agency employing the line officer member must pay for at least 16 hours of participation in the Planning Authority work. Section 2(3).
- Between the day the bill becomes law and June 30, 2008, agencies participating in the planning process must track all expenses incurred "by reason of its participation." Section 11(1).
- The expenses accumulate as credits entitling participating agencies to subsequent dollar-for-dollar reimbursement as grant-qualifying expenses accumulate during execution of approved plans. Section 11(3).

Six Minimum Requirements of the Plans. Section 2(4)(a)-(f).

- An element dealing with education, outreach and training about the use of deadly physical force for police officers, Local Government attorneys, and members of the community.
- An element dealing with the immediate aftermath of an incident in which a police officer used deadly physical force.
- An element dealing with the investigation of an incident in which a police officer used deadly physical force.
- An element dealing with the exercise of district attorney discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.
- An element dealing with collecting information regarding a police officer's use of deadly physical force, debriefing after an incident in which a police officer used deadly physical force, and revising a plan developed under this subsection based on experience.

"The law enforcement profession is prepared to actively address issues related to the use of deadly force in Oregon. Passage of SB 111 will insure that all Oregon police agencies have meaningful use of force policies in place."

SB 111: Use of Deadly Physical Force, Cont.

SB 111 includes the following provisions by Section:

Key Features of Approval Process. Sections 2(5)-(12).

Planning Authority must conduct “at least one public hearing” before submitting its proposed plan for approval. Section 2(5).

Two-thirds of the governing bodies in the jurisdiction must approve the plan. Section 2(7)-(9).

Once approved by two-thirds of the governing bodies, the plan must be submitted to the Attorney General for approval. Section 2(10).

Outside Agency Involvement In Investigation. Section 5.

Deadly force investigation must “include at least one police officer from a different law enforcement agency”

Law Enforcement Agencies Mandated to Adopt Deadly Force Policies. Section 5(2).

Regardless of the status of the deadly force plan developed by the Planning Authority, every law enforcement agency “shall adopt a policy dealing with the use of deadly physical force by its police officers. At a minimum, the policy must include guidance for the use of deadly physical force.”

Mental Health Benefits. Section 5(3).

Employer must offer two sessions to involved officers.

Officer must attend at least one. DPSST *may* deny, revoke, or suspend certification based on a finding that the officer failed to attend at least one of the sessions.

Light-Duty Reassignment. Section 5(4).

- For at least 72 hours after an incident, employer must assign involved officers to duties that will not require another use of deadly force.
- Agencies employing fewer than 40 sworn officers are eligible for grant-based reimbursement of personnel costs associated with the light-duty reassignment requirement.

Redemption of Planning Credits; Matching Implementation Grants Sections 4, 5(4) and 11.

- Expenses of implementing approved plans, in most instances exclusive of personnel expenses, reimbursed up to 75% by grants administered by DOJ. Section 4(2).
- Personnel costs associated with light-duty reassignment within agencies employing 40 or fewer sworn officers are eligible for a 75% grant. Section 5(4).
- Planning credits banked with DOJ may be redeemed to increase the amount of reimbursement from 75% to up to 100% for grant-eligible expenses of implementing approved plans. Section 11.

“Lessons-learned” Reports. Section 6.

- Written conclusions and recommendations deemed inadmissible in subsequent civil actions and administrative proceedings.

Data Collection. Sections 6 and 7.

- The federal Death in Custody Reporting Act of 2000, 42 USC Sec. 13704 (a)(2) requires states to follow guidelines established by US DOJ in making quarterly reports about the “death of any person who is in the process of arrest”
- After July 1, 2008, DOJ will be responsible for statewide collection of arrest-related death in custody data.



SB 266: Law Enforcement Medal of Honor Membership

SB 266 adds a sixth member to the Governor's Commission on the Law Enforcement Medal of Honor from a statewide organization of peace officers. The Commission establishes rules for and nominates candidates for the Law Enforcement Medal of Honor.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 329

SB 537: Work Address Substitute for Officer DOT Records

SB 537 adds "police officer" as defined in ORS 801.395 to the list of eligible public employees who are allowed to request that the Department of Transportation substitute their work address for their home address in the department's public records. For the purposes of this measure, "police officer" is defined as a member of the Oregon State Police, a sheriff, a deputy sheriff or city police officer.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 169



SB 729: Sirens on Police Bicycles

SB 729 creates an exemption to provisions of Oregon law prohibiting the installation or use of any siren or whistle on a bicycle for bicycles used by police officers. This measure resolves a conflict in Oregon Law between provisions that require a police bicycle to be equipped with a siren to qualify as a police vehicle and provisions that prohibit persons from installing or using sirens or whistles on bicycles. SB 729 also requires a bicycle to be equipped with a brake that enables the operator to stop within 15 feet from a speed of 10 miles per hour, on dry, level, clean pavement.

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 821



PERS ISSUES

HB 2619: Officer PERS Credit (Out of State Service)

HB 2619 includes the following provisions related to public employee retirement:

Credit Purchase Allowance for Out of State Service as a Police Officer: HB 2619 Allows police officer members of the Public Employee Retirement System (PERS) who retires on or after the effective date of the act to receive credit for prior service as a public safety officer with another state or political subdivision of another state for no more than four years of prior service if application is made within 90 days of the members effective date of retirement. HB 2691 requires the PERS member to:

VITAL STATISTICS

Effective Date: July 16, 2007

2007 ORS Site: Chapter 776

- Apply in writing to the Public Employees Retirement Board for such retirement credit;
- Provide written verification to the board from the other jurisdiction that employed the member regarding the period of time that the member served as a public safety officer in the other state; and
- Pay a lump sum to the board for each year of retirement credit applied for under the provisions of HB 2619 in the amount determined by the board to represent the full cost to the system of providing the retirement credit to the member (including all administrative costs incurred by the system).

HB 2619: PERS Credit (Out of State Service), Cont.

HB 2619 includes the following provisions related to public employee retirement:

- **Exemption from PERS 1,040 hourly restriction for Legislative Assembly Staff and Oregon State Police:**

This measure allows retired PERS members to work for the Legislative Assembly or the Oregon State Police assigned to the Capitol during legislative sessions without loss of retirement benefits by exempting these hours from the PERS 1,040 hours per calendar year limit.

VITAL STATISTICS

Effective Date: July 16, 2007

2007 ORS Site: Chapter 776

- **Reactivation of Inactive PERS accounts:** HB 2619 allows members who have reestablished active membership in PERS to be able to re-activate inactive accounts and provides that unpaid amounts will be credited with net earnings and losses.

SB 342: PERS Hourly Exemption for DPSST Instructors

SB 342 provides the following exemptions to rules preventing a retired public employee (receiving PERS payments) from working more than 1,040 hours per calendar year in order to continue eligibility for full benefits. SB 342 allows the following PERS retirees to be employed full-time without the loss of retirement benefits:

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 499

- a retired member who is a registered nurse and who is employed by a public employer as a nursing instructor.
- a retired member who is employed by the Department of Public Safety Standards and Training for the purpose of providing training as an instructor.

The provisions of SB 342 are scheduled to sunset on January 2, 2016.

“As DPSST struggles with the challenges associated with delivering a high quality 16 weeks of scenario based basic training, SB 342 will help DPSST to keep the experienced instructors they need.”

SEX OFFENSES

HB 2333: Relief from Sex Offender Reporting

Relieves some persons convicted of sex offenses of the duty to report as a sex offender if each of the following is true:

- the person is less than five years older than the victim;
- the victim’s lack of consent was solely due to age;
- the victim was at least 14 years of age; and
- at the time of the offense, the person had no prior adult or juvenile conviction for an offense listed ORS 181.594(4) (most sex-related crimes).

VITAL STATISTICS

Effective Date: January 1st, 2008

2007 ORS Site: Chapter 627

Relief from sex offender reporting requirements based on the previous circumstances is available to persons convicted of one of following “listed crimes” (or attempted to commit);

- Rape in the third degree as defined in ORS 163.355;
- Sodomy in the third degree as defined in ORS 163.385;
- Sexual abuse in the third degree as defined in ORS 163.415;
- Contributing to the sexual delinquency of a minor as defined in ORS 163.435;
- Sexual misconduct as defined in ORS 163.445; or
- found guilty except for insanity of one of the “listed crimes”, or;
- who committed one of the “listed crimes” while under juvenile court jurisdiction; or
- convicted in another state of one of the “listed crimes”.

Relief from sex offender reporting requirements occur when a court enters an order relieving a person from the sex offender reporting requirements.



HB 2843: Furnishing Sexually Explicit Material to a Child

Crime of Furnishing Sexually Explicit Material to a Child: HB 2843 provides that a person commits the crime of furnishing sexually explicit material to a child if the person intentionally furnishes a child, or intentionally permits a child to view, sexually explicit material and the person knows that the material is sexually explicit material. Furnishing sexually explicit material to a child is a Class A misdemeanor punishable by a maximum of one year's imprisonment, \$6,250 fine, or both.

Crime of Luring a Minor: HB 2843 provides that a person commits the crime of luring a minor if the person furnishes to, or uses with, a minor a visual representation or explicit verbal description or narrative account of sexual conduct; and furnishes or uses the representation, description or account for the purpose of:

- Arousing or satisfying the sexual desires of the person or the minor; or
- Inducing the minor to engage in sexual conduct.

Luring a minor is a Class C felony Punishable by a maximum of five years' imprisonment, \$125,000 fine, or both.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 869

Exemptions to Prosecution: HB 2843 provides exemptions to prosecution for the crime of furnishing sexually explicit material to a child and luring a minor when:

- The person is an employee of a bona fide museum, school, law enforcement agency, medical treatment provider or public library, acting within the scope of regular employment; or
- The person furnishes, or permits the viewing of, material the sexually explicit portions of which form merely an incidental part of an otherwise non-offending whole and serve some purpose other than titillation.

Affirmative Defense: HB 2843 provides an affirmative defense in a prosecution for both furnishing sexually explicit material to a child and luring a minor:

- That the sexually explicit material was furnished, or the viewing was permitted, solely for the purpose of sex education, art education or psychological treatment and was furnished or permitted by the child's parent or legal guardian, by an educator or treatment provider or by another person acting on behalf of the parent, legal guardian, educator or treatment provider;
- That the defendant had reasonable cause to believe that the person to whom the sexually explicit material was furnished, or who was permitted to view the material, was not a child; or
- That the defendant was less than three years older than the child at the time of the alleged offense.

Law Enforcement Officer Posing as a Child: HB 2843 provides that in a prosecution for the crime of furnishing sexually explicit material to a child or luring a minor, it is not a defense that the person to whom the sexually explicit material was furnished or who was permitted to view the material was not a child but was a law enforcement officer posing as a child. Neither of the crimes created by HB 2843 (furnishing or luring) require sex offender registration.

HB 3515: Crime of Online Sexual Corruption of a Child

HB 3515 creates the crime of online sexual corruption of a child in the second degree, a class C felony (punishable by a maximum 5 years imprisonment and a \$125,000 fine) and online sexual corruption of a child in the first degree, a class B felony (punishable by a maximum of 10 years imprisonment and a \$250,000 fine). HB 3515 includes the following key provisions:

- HB 3515 provides that a person commits the crime of online sexual corruption of a child in the second degree if the person is 18 years of age or older and for the purpose of arousing or gratifying the sexual desire of the person or another person, knowingly uses an online communication to solicit a child to engage in sexual contact or sexually explicit conduct; and offers or agrees to physically meet with the child.
- HB 3515 provides that a person commits the crime of online sexual corruption of a child in the first degree if they commit second degree online sexual corruption and intentionally take a substantial step toward physically meeting with or encountering the child.
- HB 3515 provides an affirmative defense to a prosecution for online sexual corruption of a child in the first or second degree that the person was not more than three years older than the person reasonably believed the child to be.
- HB 3515 provides that it is not a defense to a prosecution for online sexual corruption of a child in the first or second degree that the person was in fact communicating with a law enforcement officer, as defined in ORS 163.730, or a person working under the direction of a law enforcement officer, who is 16 years of age or older.
- HB 3515 provides that online sexual corruption of a child in the first or second degree is committed in either the county in which the communication originated or the county in which the communication was received.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 876



TRAFFIC/MOTOR VEHICLE

HB 2102: Law Enforcement Contacts Committee

HB 2102 makes the Law Enforcement Contacts Policy and Data Review Committee permanent and transfers responsibility for the committee from the Oregon Criminal Justice Commission to Portland State University (PSU). In 2001, the Oregon Legislature created the Law Enforcement Contacts Policy and Data Review Committee consisting of 11 members appointed by the Governor. The purpose of the committee is to receive and analyze demographic data to ensure that law enforcement agencies perform their mission without inequitable or unlawful discrimination based on race, color or national origin.

VITAL STATISTICS

Effective Date: May 30, 2007
2007 ORS Site: Chapter 190



HB 2119: Illegal Display of a Registration Plate

HB 2119 creates a Class B traffic violation for the illegal display of a registration plate. The measure includes the following key provisions:

- prohibits knowingly using license plates or registration stickers on a vehicle other than the vehicle for which the plate or sticker was issued. This measure exempts vehicle dealers authorized to operate vehicles displaying a dealer plate.
- prohibits knowingly displaying a registration sticker with an expiration date different from the expiration date on the vehicle registration records.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 192



HB 2274: Safety Corridor Double Fine Sunset Removal

HB 2274 makes the authority for the Department of Transportation to double fines for certain traffic offenses committed in safety corridors permanent by removing the sunset from the measure. The Oregon Department of Transportation (ODOT) establishes safety corridors where special driver attention is needed, such as construction zones and known hazardous road segments. Within these corridors, ODOT and the state and local agencies implement roadway safety countermeasures including enforcement, engineering, education, and emergency medical services, and negotiate agreements with local jurisdictions prior to establishing safety corridors.

VITAL STATISTICS

Effective Date: December 31, 2007
2007 ORS Site: Chapter 124



HB 2275: Safety Belts for Property Transport Vehicles

HB 2275 extends the requirement to wear safety belts to drivers of certain commercial vehicles designed or used for transportation of property who are currently exempt.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 200

HB 2321: License Suspension Increase to Ten Years

HB 2321 increases driver's license suspension to ten years when it was suspended because the driver failed to appear for a traffic-related court proceeding, failed to pay a fine or to obey a court order. For the purpose of failure to appear, the suspension continues for 10 years or until a notice is issued by the court showing that the person is no longer subject to the provision. For a person who fails to pay a fine or fails to obey a court order, the suspension continues for 10 years or until a notice is issued by the court showing that the person paid the fine or obeyed the court order. This measure was designed to prevent a person with a suspended license from automatically renewing a license without paying the fine (since the license renewal period is every 8 years).

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 127

HB 2466: Photo Radar for ODOT and Select Cities

HB 2466 the following provisions related to photo radar authorization:

- Gladstone, Milwaukie and Oregon City are added to the list of cities authorized to operate photo radar in their communities and at their expense (adds these cities to Albany, Beaverton, Bend, Eugene, Medford, Portland and Tigard).
- Clarifies that cities operating photo radar enforcement are required to comply with the following requirements/restrictions:
 - photo radar systems may not be used for more than four hours per day in any one location;
 - photo radar systems may not be used on controlled access highways; and
 - photo radar systems may not be used unless a sign is posted announcing that photo radar is in use.
 - Jurisdictions opting to use photo radar must conduct a process and outcome evaluation once each biennium describing the effect on traffic safety, degree of public acceptance and process of administration.
 - Evaluations must be submitted to the Legislative Assembly by March 1 of each regular Legislative session.
- permits the Oregon Department of Transportation (ODOT) to operate photo radar in highway work zones (Use of photo radar on interstate highways remains prohibited) and requires ODOT to report to the Legislative Assembly each odd-year session on the use, acceptance and administration of photo radar.
- The ODOT photo radar provisions included in HB 2466 sunset (are repealed) on December 31, 2014.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 634



"The use of photo enforcement at intersections is a proven tool in the battle to create safer intersections."

HB 2508: Photo Red Light Enforcement Expansion

HB 2508 includes the following provisions related to the operation of photo red light enforcement:

- Expands the authorization for cities to utilize photo red light technology to **all cities** regardless of population (from the current standard of cities over 30,000 in population and the City of Newberg).
- Eliminates the restriction on the numbers of intersections in which a city can install and operate red light cameras.
- eliminates a requirement that the Oregon Department of Transportation prepare and provide a summary report to the legislature of the process and outcome evaluations conducted by cities on their photo red light enforcement program (individual cities are already responsible for submitting reports to the legislature independent of ODOT... the ODOT report was redundant).

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 640



HB 2704: Fuel Efficient Driving Techniques Test

House Bill 2704 encourages the Department of Transportation to include information on fuel efficient driving techniques in the next update of the Oregon Driver Manual by authorizing the agency to include related questions on the driver written exam.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 677

HB 2872: Driving While Using a Cell Phone Under 18

HB 2872 prohibits a person under 18 who holds a provisional driver license, special student driver permit or an instruction driver permit from using a mobile communication device while driving on a highway. Under the measure, a “mobile communication device” is defined broadly to mean a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.

HB 2872 provides an exception for a person under 18 operating a motor vehicle while using a mobile communication device:

- while summoning medical or emergency help if no other person in vehicle is capable; or
- while engaging in farming or agricultural operations.

HB 2872 specifies that operating a motor vehicle while using a mobile communication device is a Class D traffic violation (carrying a maximum fine of \$90) and provides that a police officer may enforce the violation only as a secondary action when the driver has been stopped for another suspected traffic violation.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 870



HB 3314: Careless Driving “Vulnerable User” Penalty

HB 3314 adds additional penalties to a conviction for careless driving when the offense results in serious physical injury or death to a vulnerable user of a public way. HB 3314 includes the following key provisions:

Enhanced penalties require a person convicted under the provisions of this measure to:

- Complete a traffic safety course; and
- Perform between 100 and 200 hours of community service (the community service must include activities related to driver improvement and providing public education on traffic safety);
- Impose a fine of up to \$12,500
- Impose a suspension of driving privileges as provided in ORS 809.280; and
- Set a hearing date up to one year from the date of sentencing to determine if successful completion of the requirements previously listed are met. If the requirements are met, provides that the fine and suspension are suspended.

Definitions for the purpose of the measure include:

- “Serious Physical Injury” means physical injury that creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- “Vulnerable user of a public way” means a pedestrian, a highway worker, a person riding an animal or a person operating a farm tractor (or implement of husbandry without and enclosed shell), skateboard, roller skates, in-line skates, scooter or bicycle on a public way, crosswalk or shoulder of the highway:

Additional provisions for the purpose of the measure require:

- The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury or death of a vulnerable user of a public way.
- A defendant to make a first appearance before the court in person on the summon date (when the citation for careless driving indicates that serious physical injury or death to a vulnerable user was involved).

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 784



HB 3442: Service District Vehicle Code Enforcement

HB 3442 expands the definition of “police officer under the vehicle code to include a law enforcement officer employed by a service district for the purpose of providing law enforcement services. This measure eliminates ambiguity regarding the authority of service district police officers to issue citations for traffic infractions by clarifying their authority to enforce the traffic code.

VITAL STATISTICS

Effective Date: June 22, 2007
2007 ORS Site: Chapter 558

HB 3445: Sunriver Road Enforcement Authorization

HB 3445 expands the definition of “highway” for the purpose of enforcing traffic offenses contained in the Oregon Vehicle Code to include premises open to the public that are owned by a homeowners association and whose boundaries are contained within a service district established on or before July 1, 2002. Without the passage of HB 3445, the privately owned roads in Sunriver would continue to fail to fall under the vehicle code’s definition of highway.

VITAL STATISTICS

Effective Date: June 22, 2007
2007 ORS Site: Chapter 561



SB 108: Unsafe Bicycle Passing/Crossview Mirrors

SB 108 creates a Class B traffic violation for unsafe passing of a person operating a bicycle and a Class C violation for “failure to inspect” relating to “forward crossview mirrors” on certain commercial delivery vehicles.

Unsafe passing of a person operating a bicycle includes the following provisions:

- A driver fails to pass a bicycle on the left at a “safe distance” and then return to the lane of travel once the car is safely clear of the overtaken bicycle.
- “Safe Distance” means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver’s lane of traffic.
- Provides exceptions to the violation if (1) if the driver is in a lane separate from a specific bicycle lane; (2) if the driver is traveling at a speed of 35 mph or less; or (3) when the driver is passing a bicyclist on the bicyclists’ right side and the bicyclist is turning left.
- provides that passing a bicyclist in a no passing zone is prima facie evidence of the violation of this section if the passing results in injury or death to the bicyclist.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 794



Failure to Inspect (crossview mirrors) includes the following:

Applies to commercial delivery trucks over 10,000 pounds and provides that a violation of the statute occurs when a driver either:

- operates the truck without a forward crossview mirror; or
- fails to visually inspect the intended path of the vehicle to verify that it is clear.

SB 108 exempts commercial buses, tour vehicles, and certain government, mass transit, and solid waste recycling vehicles from the statute.

SB 480: Child Safety Occupant Protection Requirements

SB 480 requires children less than one year of age (regardless of weight) or a person who weighs 20 pounds or less to be properly secured with a child safety system in a rear-facing position. The measure requires children under eight years of age (who weigh more than 40 pounds and are four feet nine inches or shorter) to be in a booster seat. SB 480 further provides that a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness. A person who fails to follow the provisions of SB 480 commits the offense of failure to properly use safety belts.

VITAL STATISTICS

Effective Date: July 1st, 2007
2007 ORS Site: Chapter 601

SB 566: Vehicle Removal from Highway after an Accident

SB 566 creates a Class C traffic violation for failure to remove a vehicle from the highway following an accident when:

- The driver has not suffered any apparent personal injury;
- The vehicle is operable and does not require towing;
- It is safe to drive the vehicle to a designated parking area along the highway or shoulder of the highway; and
- The driver does not move the vehicle to a designated parking area along the highway or shoulder of the highway.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 810



SB 567: Removal of Vehicles from a Road or Highway

SB 567 permits a road authority to immediately take custody of a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway with the following parameters:

- at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;
- during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. if the vehicle has a gross vehicle weight of more than 26,000 pounds

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 509

VICTIMS OF CRIME

HB 2127: Juvenile Code Victims Rights Clarifications

HB 2127 revises the juvenile code to be consistent with the constitutional rights of crime victims and, in some cases, provides additional clarification. The more substantive clarifications include:

- absent good cause, a victim is not required to reveal the victim's address or telephone number to the defendant,

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 609

Additional provisions of HB 2127 Continued on the next page

HB 2127: Victims Rights Clarifications, Cont.

- if a defendant's agent contacts the victim, the agent must reveal the agent's identity, that the victim need not speak with the agent and that the victim may have an agent of the state present;
- any pre-adjudication release of a juvenile defendant must include "a no contact with the victim" order,
- the victim must be consulted regarding a juvenile defendant's entry into diversion program, and
- a court may not release a juvenile awaiting adjudication if the charge involves a "violent felony" or if the juvenile poses a danger of "serious physical injury" or "sexual victimization" to the victim or the public.

HB 2128: "SAVE" Fund (Sexual Assault Victims)

HB 2128 reauthorizes the Sexual Assault Victims' Emergency (SAVE) Medical Response Fund by repealing the January 1, 2008 sunset date and extends the time for the Attorney General to report to the Legislative Assembly on the operation of the SAVE Fund to January 31, 2009. The SAVE Fund was established to pay for medical assessments for sexual assault victims. From March 2004 through December 2006, 1,315 sexual assault victims have received benefits offered by the SAVE Fund.

VITAL STATISTICS

Effective Date: April 9, 2007
2007 ORS Site: Chapter 23



HB 2154: Sexual Assault Forensic Examination Evidence

HB 2154 was forwarded by the Attorney General's Sexual Assault Task Force (SATF) for the purpose of enabling victims of rape to consider their options relating to proceeding with an investigation and prosecution, while offering the possibility of preserving some of the important and fragile evidence. This measure includes the following provisions:

- limits the conditions under which the Department of Justice (DOJ) can deny reimbursement to medical providers for Sexual Assault Forensic Examinations (SAFE) and specifies that payment for examinations cannot be denied in cases where victims have not reported the assault, are unsure about their desire to cooperate with a criminal investigation and prosecution, or when the victim's identity is not readily available.
- Requires medical assessment providers seeking reimbursement to:
 1. maintain the record of medical assessments that protect the identity of victims of sexual assault and keep confidential the identity of victims who have not reported the sexual assault to a law enforcement agency;
 2. Store forensic evidence collection kits and transfer custody of the kits to a law enforcement agency having jurisdiction over the geographic area where the provider is located; and
 3. Cooperate with law enforcement agencies to develop and implement procedures that protect the identities of victims while allowing retrieval and assessment of evidence collection kits and related evidence.
- Provides that law enforcement agencies that receive evidence collection kits as provided by HB 2154 shall preserve the kits and any related evidence for at least six months.

VITAL STATISTICS

Effective Date: June 1st, 2007
2007 ORS Site: Chapter 268

HJR 49: Crime Victim Remedy for Violation of Rights

HJR 49 amends Section 42, Article I of the Oregon Constitution to:

- Grant a victim the right to assert a claim in a pending case or seek a writ of mandamus if no case is pending.
- Allow the victim to request the assistance of the prosecuting attorney to assert the victim's rights.
- Allow the prosecuting attorney the discretion to assert or not assert the rights of the victim. Define "victim" as any person determined by the court as well as the prosecuting attorney to have suffered direct financial, psychological or physical harm.
- Establish that this measure does not suspend a criminal or juvenile delinquency proceeding if the suspension would violate a right of a defendant guaranteed by the Oregon Constitution as well as the Constitution of the United States.
- Allow the Legislative Assembly to enact laws further effectuating victims' right to seek redress under Section 42.
- Refer HJR 49 B to the voters at the primary election in May of 2008.

VITAL STATISTICS

Effective Date: N/A
Filed with the Secretary of State

HJR 50: Crime Victim Constitutional Rights

HJR 50 amends Section 43, Article I of the Oregon Constitution to:

- Grant a victim the right to assert a claim in a pending case or seek a writ of mandamus if no case is pending.
- Allow the victim to request the assistance of the prosecuting attorney to assert the victim's rights.
- Allow the prosecuting attorney the discretion to assert or not assert the rights of the victim.
- Define "victim" as any person determined by the court as well as the prosecuting attorney to have suffered direct financial, psychological or physical harm.
- Provide that this section does not suspend a criminal or juvenile delinquency proceeding if the suspension would violate a right of a defendant guaranteed by the Oregon Constitution as well as the Constitution of the United States.
- Allow the Legislative Assembly to enact laws further effectuating victims' right to seek redress under Section 43.
- Refer HJR 50 to the voters at the primary election in May of 2008.

VITAL STATISTICS

Effective Date: N/A
Filed with the Secretary of State

SB 130: Reduced Restitution with Victims Consent

SB 130 allows a court to impose restitution in an amount less than a victim's full economic damages for person felonies if a victim provides written consent.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 482

SB 351: Gaddis Pond Ramirez Act...Missing Persons

Law Enforcement Missing Persons Policies:

SB 351 provides that written policies that are adopted by Oregon law enforcement agencies regarding missing persons shall specify the procedures for investigating missing persons in order to ensure that reported missing person's cases, particularly those involving minor children, are investigated as soon as possible, utilizing all available resources. Note: The measure does not require that agencies adopt a missing person's policy but rather creates requirements for agencies that do adopt a policy. In adopting policies under SB 351, the measure provides that law enforcement agencies may consider standards set by the Oregon Accreditation Alliance and adopt policies consistent with Oregon Accreditation Alliance standards. This measure requires policies that are adopted under this section to address the following:

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 500

- Requirements for accepting missing persons reports;
- Procedures for initial investigations;
- Responsibility for follow-up investigations;
- Standards for maintaining and clearing computer data of missing persons information stored in the Law Enforcement Data System and the National Crime Information Center; and
- Initiation and activation criteria for Amber Plan alerts under ORS 181.035.

Missing Person Information

Provides that a law enforcement agency may request from the person making a missing person report information or material likely to be useful in identifying the missing person or the human remains of the missing person.

Forensics

- SB 351 requires a law enforcement agency (that accepted the missing persons report) to "attempt" to obtain a DNA sample for the missing person and any documentation necessary to enable the agency to use the samples in conducting searches of DNA databases.
- Provides that a law enforcement agency shall forward a DNA sample obtained for use in a missing persons case as directed by the Department of State Police.
- Authorizes a person, or the executor of the person's estate, who was a missing person and who had a DNA sample obtained for use in the person's case to request the destruction of the DNA sample, and any resultant database entries, when the missing person has been located or identified. The request shall be made in writing to the department and the department shall destroy the DNA sample and any database entries related to the DNA sample when the status of the missing person case is resolved.

Medical Examiner

SB 351 requires the medical examiner to make reasonable attempts to promptly identify human remains and provides that the medical examiner may consider procedures consistent with current forensic autopsy performance standards of the National Association of Medical Examiners. SB 351 outlines the following as reasonable attempts to identify human remains:

- Photographs of the remains prior to an autopsy;
- Dental or skeletal X-rays of the remains;
- Photographs of items found with the remains;
- Fingerprints of the remains; and
- Samples of tissue, bone or hair from the remains that are suitable for DNA (deoxyribonucleic acid) analysis.

SB 351 provides that the medical examiner may not dispose of unidentified human remains, or take any action that materially affects the unidentified human remains, before the medical examiner completes the steps outlined in the measure.



SB 351: Gaddis Pond Ramirez Act, Cont.

Provisions of SB 351 Continued:

Missing Children and Adult Clearinghouse:

SB 351 changes the name of the Missing Children Clearinghouse to the Missing Children and Adult Clearinghouse.

Native American Remains:

Provides that “Unidentified human remains” does not include unidentified human remains that are part of an archaeological site or suspected of being Native American.

SB 946: Unpaid Leave for Victims of Domestic Violence

Requires employers to grant unpaid leave for victims of domestic violence, sexual assault or stalking for purposes of obtaining protective orders or other safety measures including:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking.
- To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the employee’s minor child or dependent.
- To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.
- To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent.

VITAL STATISTICS

Effective Date: May 25th, 2007
2007 ORS Site: Chapter 180

SB 985: Victim Participation in Post Conviction

SB 985 includes the following regarding the role of victims in post-conviction relief proceedings:

- Prohibits the petitioner in a post-conviction relief proceeding to compel a victim to testify, either by deposition or hearing, unless a court allows the petitioner to do so.
- Requires the court to allow a petitioner to compel a victim to testify if the petitioner can demonstrate good cause by showing that the victim has information that is material to the post-conviction relief proceeding, is favorable to the petitioner and is other than what is admitted at trial.
- Allows the victim to appear by telephone with court permission.

VITAL STATISTICS

Effective Date: June 18th, 2007
2007 ORS Site: Chapter 470

WEAPONS/FIREARMS

HB 2300: Concealed Handgun License Clarification

HB 2300 amends ORS 166.293(3)(a) to clarify that, “Any act or condition that would prevent the issuance of a concealed handgun license is cause for revoking a concealed handgun license.”

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 202

HB 2334: Concealed Handgun License Expansion

HB 2334 modifies and expands requirements for concealed handgun licenses by adding three prohibitions providing that the applicant for a license:

- is not required to register as a sex offender in any state;
- has not received a dishonorable discharge from the Armed Forces of the United States; and
- has not been convicted of an offense involving controlled substances or participated in a drug diversion program. This provision includes violations for possession of less than an ounce of marijuana when the person has *two* violations of possession of less than an ounce of marijuana; or a violation for possession of less than an ounce of marijuana *and* completion of a marijuana diversion program.

HB 2334 A also defines county residence for purposes of applying for concealed weapons permits (which is handled by the county sheriff) and amends ORS 166.295 to allow active members of the Armed Forces, the National Guard of the United States or the Oregon National Guard to renew CHL applications by mail.

VITAL STATISTICS

Effective Date: January 1st, 2008
2007 ORS Site: Chapter 368



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