

2 0 1 1

OREGON ASSOCIATION CHIEFS OF POLICE

LEGISLATIVE REPORT



2011

Legislative Session

Inside this Report

1	Alcohol/DUII
4	Budget Highlights
7	Corrections/Parole and Probation
9	Courts/Sentencing
10	Crimes and Violations
13	911 Emergency Communications
15	Firearms
15	Forensics/Evidence
16	Forfeiture Legislation
17	Honor and Recognition
21	Labor Issues and PERS
22	Officer Issues
24	OLCC Legislation
25	PSRB Issues
26	Sex Offenses
29	Sheriffs and County
31	Traffic/Motor Vehicle
35	Victims Rights
37	Index



On behalf of the Oregon Association Chiefs of Police Legislative Committee, please accept this report on the new laws adopted by the Oregon Legislative Assembly during the 2011 Legislative Session. I want to thank the members of the OACP for engaging the legislative process during a very difficult economic time for the State of Oregon.

As you review the pages of this report that follow, please keep the following in mind:

- ◆ While an honest attempt was made to identify every bill that may impact your work in the public safety arena, there may be a few measures that were overlooked inadvertently.
- ◆ Consider the explanations of each measure as a primer as some measures are comprehensive and detailed and the explanations are designed to provide a basic explanation of the changes to law contained in each adopted bill.
- ◆ Each measure explanation includes a text box that identifies the implementation date and ORS Chapter number for the measure.
- ◆ Consult your District Attorney, City Attorney or Insurance services consultants regarding advice for implementing these laws.

ALCOHOL/DUII

HB 2103: Use of Intoxicants During DUII Diversion

HB 2103 allows individuals who are eligible for the state medical assistance program and who are required to pay for a screening interview, treatment program or diagnostic assessment (under ORS 813.021, 813.200, 813.210 or 813.240 to utilize the program as a third party resource to support covered medically necessary chemical dependency services. The measure clarifies that the eligible person remains responsible for the costs of the screening interview, treatment program or diagnostic assessment, regardless of the amount of coverage or the failure of the third party resource to pay the costs.

HB 2103 also authorizes use of intoxicants during the diversion period if:

- ♦ The person consumes sacramental wine given or provided as part of a religious rite or service.
- ♦ The person has a valid prescription for a substance and the person takes the substance as directed; or;
- ♦ The person is using a nonprescription drug, as defined in ORS 689.005, in accordance with the directions for use that are printed on the label for that nonprescription drug.

VITAL STATISTICS

Effective Date: June 23, 2011
2011 ORS Site: Chapter 468



HB 2104: Increased Fees for DUII and Diversion

HB 2104 increases the fees paid by persons convicted of driving while under the influence of intoxicants (DUII) from \$130 to \$230 (the portion of the fee that is transferred to the Oregon Health Authority is increased from \$25 to \$125).

Revenue generated from the fee is dedicated to the Intoxicated Driver Program Fund (IDPF) to support indigent DUII treatment, interpreter services and the ignition interlock program.

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 719

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

HB 2702: Diversion Extension for Active Military

HB 2702 prohibits the court from denying the petition of a defendant who would otherwise be eligible for participation in a driving under the influence of intoxicants (DUII) diversion program except for the fact that the defendant is a person who is engaged in active military service. The measure:

- ♦ Extends the period of time for diversion completion for those persons engaged in active military service.
- ♦ Permits persons serving in active military service to appear at a show cause hearing telephonically and for that hearing to be stayed.
- ♦ Allows persons serving in active military service to satisfy the terms of their diversion obligation by completing a comparable treatment program conducted by or authorized by a government entity in another jurisdiction.

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 197

House Bill 2702 A defines the terms of military service at proposed ORS 813.200(2)(7) to include members of the Armed Forces of the United States, the reserve components of the Armed Forces or the National Guard.



HB 3075: Ignition Interlock Device Installation Mandate

House Bill 3075 includes the following provisions:

- ◆ Requires the installation of an ignition interlock device as a condition of entry into a driving under the influence of intoxicants (DUI) diversion program.
- ◆ Removes the court's ability to decline to impose this condition due to insufficient moneys in the Intoxicated Driver Program Fund.
- ◆ Requires the provider of the interlock device to provide notice of any removal or tampering with the device to the court or the court's designee, including health providers certified by the Oregon Health Authority.
- ◆ Makes violation of this requirement a Class A traffic violation.

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 671



HB 3110: Alcohol and Drug Policy Commission Changes

HB 3110 removes sunset provision on the Alcohol and Drug Policy Commission (establishing it as an ongoing commission) and:

- ◆ Adds a person with information technology system expertise to the Commission.
- ◆ Adds ex officio members to the Commission representing the Department of Human Services, Oregon Youth Authority, State Commission on Children and Families and the Oregon Liquor Control Commission.
- ◆ Authorizes the Commission to establish pilot programs in Oregon communities to phase in and implement long-term treatment plans and prevention programs, establish priorities, set minimum standards for drug prevention and treatment programs financed with state or other funds administered by the state, and to develop and implement a plan for structuring the State's data collection and reporting systems for these programs.
- ◆ Requires the committee to create a budget advisory committee to recommend to the Commission budget policy priorities, funding sources and when to suspend payment of funding.
- ◆ Establishes a Governor-appointed Director of the Alcohol and Drug Policy Commission to assist in carrying out the responsibilities of the Commission.

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 673

Please note: Funding for a scaled-back implementation of the commission is included in HB 5529.

SB 65: Alcohol Measurement in Blood or Breath

Senate Bill 65 clarifies that the amount of alcohol in a person's blood can be expressed in measurements of blood or breath. Current law (ORS 813.300 and 850.510) only allowed this measurement to be expressed in units of blood (specifically grams of alcohol per 100 cubic centimeters of blood. This measure replaces cubic centimeters with milliliters and allows the measurement of alcohol in a person's blood to be expressed per 100 milliliters of blood or the equivalent 210 liters of breath.

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 260



SB 395: Clarifies Sentence for DUI

SB 395 clarifies the penalty for driving under the influence (DUI) by setting it as a category 6 felony with a thirteen to thirty-month presumptive sentence. Further, the measure:

- ◆ Allows state to reimburse counties for cost of incarcerating those charged with a third conviction for DUI.
- ◆ Directs counties to use the existing reimbursement rate, which is used to reimburse counties for cost of inmates serving twelve months or less.
- ◆ Directs Department of Corrections (DOC) to make rules for counties to seek reimbursement and; Requires reimbursements be made from moneys appropriated to

VITAL STATISTICS

Effective Date: June 30, 2011
2011 ORS Site: Chapter 598

SB 406: Restoration of Driving Privileges Changes

Senate Bill 406 changes the timelines and requirements related to requests for the restoration of driving privileges following revocation following certain criminal conduct. The measure:

- ◆ Provides that the probationary sentence used to calculate the 10 year period must apply to the crime for which the person's driving privileges were revoked.
- ◆ Provides that in the absence of a probationary sentence or term of post-prison supervision, a person may petition for restoration no sooner than 10 years after the date of sentencing on the crime for which driving privileges were revoked.
- ◆ Provides that a person must petition for reinstatement in the county in which driving privileges were revoked (This modifies the current process which allows a person to petition from the county of residence).
- ◆ Provides that a court may not order the reinstatement of driving privileges unless the person provides proof of having completed an alcohol or drug treatment program in a facility that is approved by the Director of Oregon Health Authority or a similar alcohol or drug treatment program in another jurisdiction if the person was ordered to complete such an assessment as a condition of sentencing on the underlying

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 554



BUDGET HIGHLIGHTS

SB 5505: Department of Corrections Budget Summary

The 2011-13 legislatively adopted budget for the Department of Corrections (DOC) of \$1.360.5 billion total funds and \$1.324.8 billion General Fund. The General Fund budget grows by \$116.5 million or 9.6% from the 2009-11 legislatively approved budget driven by the need to backfill over \$100 million in one-time federal funds in 2009-11. After factoring out this impact, the General Fund change would have been minimal for the period. Major changes for the 2011-13 DOC budget include:

- ◆ Many of the 2009-11 allotment reductions are continued including the closure of a 176 bed minimum security facility in Salem, elimination of General Fund work crews, reduced staff training resources, and central office staff eliminations.
- ◆ Over 220 positions are eliminated based on review of vacant positions, identification of efficiencies, and program reductions.
- ◆ The Governor's budget proposed approximately \$16 million in reductions for non-mandatory alcohol and drug treatment, work based education and cognitive programs, but the Legislature decided to restore \$12 million of these reductions.
- ◆ The budget for Community Corrections is almost \$21 million less than the amount in the 2009-11 legislatively approved budget but it is primarily driven by a \$35 million change in the forecast reflecting a smaller estimated population and a change in the mix of the offender population. The
- ◆ Legislature did continue two sentencing changes from 2009-11 biennium which provided savings of almost \$11 million including a 60 day limit on the time offenders sentenced to felony probation may be sanctioned.
- ◆ The 2011-13 DOC budget assumes the "re-start" of the increased sentences under Measure 57 effective January 1, 2012 which adds approximately \$2.5 million to the budget. Measure 73 penalties were altered by the Legislature so that the presumed sentence is served in a local jail instead of prison. The net savings of this action is roughly \$4 million with savings in prison operations offset by a \$12.6 million General Fund addition to the Community Corrections budget for the reimbursement of county jail costs.
- ◆ There remains a \$28 million General fund undesignated reduction that the agency will have to incorporate in their spending plans. This is in addition to the over \$46 million reduced in the DOC budget for the supplemental ending balance.

VITAL STATISTICS

Effective Date: July 6th, 2011
2011 ORS Site: Chapter 631

PLEASE NOTE:

Budget Highlights are adapted from the Legislative Fiscal Budget Report



SB 5518: Department of Justice Budget

The 2011-13 legislatively adopted budget for the Department of Justice (DOJ) of \$54 million General Fund and \$413.8 million total funds represents increases from the 200-11 legislatively approved budget of 4.2% and 0.02%, respectively. The increase in General Fund is largely due to the need to backfill almost \$4 million of one-time federal stimulus funding used in 2009-11. Major changes for the 2011-13 budget include:

- ◆ There is limited funding in the legislatively adopted budget (\$965,000 General Fund) to continue the defense of the state's position in legal actions challenging the Master Settlement Agreement (MSA) with tobacco companies. There is also a \$2 million General Fund special purpose appropriation (SPA) made to the Emergency Board to be used for this defense or for the Defense of Criminal convictions program. The Governor had not included any resources for this purpose in his proposed budget.

VITAL STATISTICS

Effective Date: July 1, 2011
2011 ORS Site: Chapter 575



SB 5518: Department of Justice Budget, Cont.

- ◆ The \$17.4 million General Fund in resources for the Defense of Criminal Convictions (DCC) is \$2.2 million less than the amount spent in 2009-11, with \$600,000 of this reduction representing the amount reduced for the supplemental ending balance.
- ◆ Crime Victims' programs funded through the Criminal Fines and Assessment (CFAA) revenue stream and General Fund resources are reduced by almost \$3 million total funds or just over 12% from the 2011-13 Current Service Level. Compared to 2009-11 spending these resources are down by 9.7%. The Governor had proposed reductions of over 25% from CSL.
- ◆ A number of other programs also face reductions including central administration which lost ten positions; various Criminal Justice Division programs which lost a total of 12 positions affecting financial fraud, organized crime prosecutions, and criminal intelligence functions; General Counsel Division which lost nine positions given assumptions for more effective use of attorney services by all state agencies; and 20 vacant positions were eliminated (most in the Support Enforcement Division).



SB 5537: Oregon State Police Budget

The Department of State Police's 2011-13 legislatively adopted budget of \$325.7 million total funds represents a \$2.9 million decrease from the. The General Fund budget of \$216.5 million is just \$200,000 less than the 2009-07 legislatively approved budget. The budget continues many of the 2009-11 allotment reductions including the decision not to fill the 49 new trooper positions that were never filled. Other major features of this budget include:

- ◆ The legislatively adopted budget reversed the proposal by the Governor to fund the Patrol Division with resources from the Highway Fund. This proposal would have required a voter approved change to the Constitution, and the Legislature added back \$85 million General Fund to fund all of the Patrol Division other than the 49 eliminated trooper positions.
- ◆ Another funding proposal made by the Governor was rejected by the Legislature which would have substantially increased the fees for background checks, firearms checks and other information requests made of the Identification Services unit. Instead the Legislature added \$3 million General Fund to this unit's budget instead of raising fees.
- ◆ The Criminal Division is reduced by four sworn trooper positions – one in the drug enforcement area and three assigned to the counter-terrorism unit.
- ◆ The legislatively adopted budget assumes the closure of the Forensics lab in Ontario which still leaves five labs including Pendleton and Bend.
- ◆ Revenue shortfalls led to the loss of 15 trooper positions in the Patrol Division assigned to truck safety and four positions in the Fire Marshal's "Community Right to Know" program.

VITAL STATISTICS

Effective Date: July 6th, 2011
2011 ORS Site: Chapter 635



SB 5541: DPSST Budget

The 2011-13 legislatively adopted budget of \$44.9 million total funds represents a 4.3% decrease from the 2009-11 legislatively approved budget. The resources in this budget should be sufficient to provide the same number of Basic Police, Corrections, and Parole and Probation classes provided in 2009-11. The Legislature did not eliminate the DPSST staff responsible for auditing the Department of Corrections (DOC) basic training program as proposed by the Governor since it would have jeopardized the state certification of DOC correctional officers. Here is an overview of the organizational impacts for 2011-2013:

VITAL STATISTICS

Effective Date: July 1st, 2011
2011 ORS Site: Chapter 586

- ◆ Loss of 13 positions/12.33 FTE (7 Management & Executive Service positions / 6 Represented positions)
- ◆ Loss of two Basic Police Courses (15 down to 13 with permission to return if additional classes are needed)
- ◆ Director's Office Impact: Loss of Deputy Director (vacant) & Executive Assistant (vacant)
- ◆ Human Resources Impact: Loss of HR Analyst 3 (layoff) & Background Investigator 3 (layoff)
- ◆ Training Division Impact: Loss of Administrative Supervisor (vacant), Student Worker (vacant), 2 PSTS-1 positions (filled with part-time instructors), Range Master/Armorer (layoff), Regional/Adv Supervisor (Layoff), Office Specialist 2 (vacant), Office Specialist 1 (used for custodian), Academy Operations Supervisor (layoff), and Two 16-week Basic Police classes.
- ◆ Note: Four full-time permanent positions are added for custodians. Net loss will be 9 positions/8.33 FTE.



SB 5549: Oregon Youth Authority Budget

The 2011-13 legislatively adopted budget for the Oregon Youth Authority (OYA) is \$257.5 million General Fund and \$301.8 million total funds. While close custody beds are eliminated, the budget does include additional community treatment beds to help manage those reductions and minimize negative impacts on public safety. Major elements of agency program capacity and budget include:

VITAL STATISTICS

Effective Date: July 1st, 2011
2011 ORS Site: Chapter 590

- ◆ Funding for 750 close custody beds, which is a decrease from the 900 beds approved in 2009-11. The April 2011 demand forecast projects an overall need for about 954 close custody beds during the 2011-13 biennium; 750 beds should meet demand for more serious youth offenders but will limit beds available to counties for lower-level offenders.
- ◆ Facility closures were avoided, but some units will be shuttered at Willamette Valley facilities.
- ◆ These changes will drive youth relocations and staff layoffs.
- ◆ Community beds were increased by 103, for a total of 658 budgeted in 2011-13. This number matches the demand forecast for community placements, however, that forecast does not account for increased pressure on these beds resulting from the decrease in close custody bed capacity.
- ◆ State support for gang prevention, intervention, and enforcement activities in Multnomah County is budgeted at just under \$5 million General Fund, which is a 12.2% increase from 2009-11 service levels. The amount includes \$1.1 million General Fund specifically designated for the East Metro Gang Enforcement Team.



Corrections/Parole and Probation

HB 3160: Alternative Sentencing Facility “Good Time”

HB 3160 allows persons in an alternative sentencing facility operated pursuant to a community corrections plan to receive the same credit for good behavior, if authorized by the county governing body, that would be received had the person been confined in the county local correctional facility.

VITAL STATISTICS

Effective Date: June 1st, 2011
2011 ORS Site: Chapter 203

HB 3285: DOC Fee Collection Clarification

HB 3285 clarifies that the Department of Corrections is authorized to both assess and collect fees for self-improvement programs, disciplinary fines and restitution for damage and destruction of property. In addition, the measure allows the Department of Corrections to charge a fee to administer inmate trust accounts and limits what can be charged to no more than 5% of the amount of the credit or deposit.

VITAL STATISTICS

Effective Date: June 16th, 2011
2011 ORS Site: Chapter 390



HB 3286: DOC Fee Authority for Serving Process

HB 3286 allows the Department of Corrections to charge and collect a fee for serving process and other documents on inmates and employees of the Department of Corrections. The measure limits the fee the department may charge to what a sheriff could charge for a similar service. HB 3286 directs the Department of Corrections to adopt rules in order to implement the new fee authority.

VITAL STATISTICS

Effective Date: June 7th, 2011
2011 ORS Site: Chapter 246

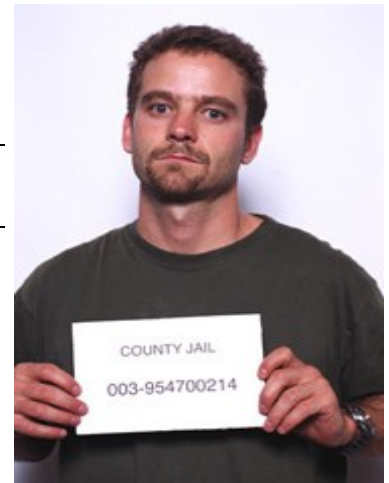
HB 3309: DOC On-the-Job Training Program

This measure authorizes the Department of Corrections (DOC) to establish an on-the-job training program for offenders released back into the community from DOC and who need training to secure jobs or retain employment. The key provisions of this measure include:

- ♦ Directs DOC to provide grants to counties who will administer the training programs.
- ♦ The DOC or counties may enter into agreements with employers to provide on-the-job training and are required to reimburse an employer for costs of providing the training and supervision.
- ♦ Requires on-the-job training be at least six weeks long and 20 hours per week.
- ♦ Requires an assessment of each ex-offender to determine if the offender has the necessary skills to meet a potential employer's minimum employment requirements or has special needs that must be addressed.
- ♦ Requires DOC to at least annually review trained employment retention.
- ♦ Authorizes the agency to seek grant and other funding for the program.
- ♦ Requires DOC to report to the Legislature by April 2013 on the progress of the program.

VITAL STATISTICS

Effective Date: August 2, 2011
2011 ORS Site: Chapter 680



SB 63: Residency Requirements as Condition of Release

SB 63 directs the state Board of Parole and Post-Prison Supervision (the Board) to require, as a condition of release, persons on active adult felony supervision at the time of an offense that resulted in their incarceration to reside for the first six months following release where they were previously supervised.

The measure also directs the “Board” to require persons, as a condition of release, who were not on active adult felony supervision at the time of an offense that resulted in incarceration, to reside for the first six months in the county where they committed the offense. SB 63 provides for a waiver of residency condition upon a certain showing of good cause for those persons not previously on adult supervision. This measure aligns statutory language with current practice.

VITAL STATISTICS

Effective Date: June 7th, 2011
2011 ORS Site: Chapter 258

SB 76: Adds Supervisors to Corrections Officer Definition

This measure includes a person, employed full-time by the Department of Corrections or a county jail with supervisory and management responsibilities that is certified by the Department of Public Safety Standards and Training, as a “correction officer” for purposes of the statutory definitions.

VITAL STATISTICS

Effective Date: June 14th, 2011
2011 ORS Site: Chapter 320



COURTS/SENTENCING

SB 75: Extension of “Inactive Status” for Post-Prison

SB 75 extends for two years a provision (that was part of House Bill 3508 from the 2010 Legislative Session) that allows the placement of an offender who is on post-prison supervision on inactive status. An offender can be placed on inactive supervision status after serving half of his or her sentence. The offender’s probation or parole officer may return an offender to active supervision if the officer finds that public safety would be better served with the offender on active supervision.

VITAL STATISTICS

Effective Date: June 23rd, 2011
2011 ORS Site: Chapter 498



SB 730: 60 Day Sanction Limit for Probation Violation

SB 730 limits of 60 days that a court can impose as a sanction on a person who receives a sentence of presumptive probation and subsequently violates the conditions of that probation (revocation sanction) unless the person was convicted of a new crime. This is a continuation of a provision of HB 3508 that was passed during the 2009 Legislative Session and the continued provision applies to crimes committed after July 1, 2011. The provisions of SB 730 sunset effective July 1, 2013.

VITAL STATISTICS

Effective Date: June 30, 2011
2011 ORS Site: Chapter 596

SB 868: Measure 11 “State v. Godines” Fix

SB 868 clarifies that ORS 137.700, the imposition of mandatory minimum sentences for Measure 11 crimes, applies to those who are at least eighteen years of age at the time an offense is committed. Consequently, a juvenile under the age of fifteen at the time a crime is committed would not be subject to the mandatory minimum sentence but, most likely, would appear before the juvenile court for adjudication. The provisions of SB 868 apply to persons sentenced on or after the effective date of the Act. This measure is in response to a recent Court of Appeals decision, *State v. Godines*, (2010), where Mr. Godines committed certain Measure 11 offenses when he was under the age of fifteen, but was not prosecuted until he was an adult.

VITAL STATISTICS

Effective Date: June 14th, 2011
2011 ORS Site: Chapter 337



CRIMES AND VIOLATIONS

HB 2174: Hydrocodone, Oxycodone and Methadone

HB 2174 modifies the crimes of possession, distributing or manufacturing hydrocodone, oxycodone and methadone by moving these substances out of the broad existing statutory framework for prohibited controlled substances and provides substance specific statutory sections for these crimes. The purpose of separating these substances in statute is to allow law enforcement to more effectively track the raw data by drug. In addition, this measure includes the following provisions:

VITAL STATISTICS

Effective Date: June 28th, 2011
2011 ORS Site: Chapter 524



- ♦ Adds safety certification and training and personal protective equipment to items to be funded by the Illegal Drug Cleanup Fund.
- ♦ Repeals an existing provision that requires the State Board of Pharmacy to exclude certain nonnarcotic substances from the controlled substances schedule.
- ♦ Adds endangering welfare of a minor and frequenting a place where controlled substances are used to crimes eligible to receive probation treatment under ORS 475.245.

HB 2183: False Report of Child Abuse Violation

House Bill 2183 creates the violation of making a false report of child abuse, punishable as a Class A violation and carrying a maximum fine of \$720. This violation is committed if, with the intent to influence a custody, parenting time, visitation or child support decision, a person:

VITAL STATISTICS

Effective Date: January 1st, 2012
2011 ORS Site: Chapter 606

- ♦ makes a false report of child abuse to the Department of Human Services or a law enforcement agency, knowing that the report is false, or
- ♦ knowingly makes a false report of child abuse to a public or private official in order to encourage him or her to make a report of such to the Department of Human Services or a law enforcement agency.

HB 2662: Mental Illness Firearm Reporting

HB 2662 eliminates the delayed operative date and immediately implements provisions of a measure passed during the 2009 Legislative Session that requires the Department of Human Services, the Oregon Judicial Department and the Psychiatric Security Review Board (PSRB) to provide information to the Oregon State Police identifying persons prohibited from possessing and/or purchasing firearms due to specific court findings related to mental illness, in order to comply with federal law. In addition, PSRB is required to conduct hearings at the request of persons subject to such provisions who are seeking relief. House Bill 2662 permits immediate compliance with the reporting requirements and allows the relief hearing program to be extended four years.

VITAL STATISTICS

Effective Date: June 21st, 2011
2011 ORS Site: Chapter 448



HB 2721: Spiritual Treatment Defense Changes

HB 2721 eliminates the reliance on spiritual treatment as a defense to certain crimes in which the victim is under 18 years of age where a death is caused “by abuse when a person, recklessly under circumstances manifesting extreme indifference to the value of human life, causes the death of a child under 14 years of age or a dependent person, as defined in ORS 163.205, and the death is caused by neglect or maltreatment”.

VITAL STATISTICS

Effective Date: June 9th, 2011
2011 ORS Site: Chapter 291

HB 2940: Increased Penalty for Strangulation

HB 2940 increases the penalty for strangulation from a Class A misdemeanor to a class C felony with a maximum penalty of five years imprisonment and a \$125,000 fine when:

- ♦ The crime is committed in the immediate presence of, or is witnessed by, the person’s or the victim’s minor child or stepchild or a minor child residing within the household of the person or the victim;
- ♦ The victim is under 10 years of age;
- ♦ During the commission of the crime, the person used, attempted to use or threatened to use a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against another;
- ♦ The person has been previously convicted of violating this section or of committing an equivalent crime in another jurisdiction;
- ♦ The person has been previously convicted of violating ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or of committing an equivalent crime in another jurisdiction, and the victim in the previous conviction is the same person who is the victim of the current conviction;
- ♦ The person has at least three previous convictions of any combination of ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or of equivalent crimes in other jurisdictions.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 666

Adds strangulation to the list of crimes requiring a peace officer to make a mandatory arrest per ORS 133.055.



HB 3142: Youth Correction Facility Staff Protection

HB 3142 includes youth correction facility staff within the definition of “staff member” for purposes of:

- ♦ assault in the third degree where a person, while committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member of a youth correction facility while the other person is acting in the course of official duty.
- ♦ aggravated harassment where a person, knowing that another person is a staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous substance at the staff member while the staff member is acting in the course of official duty or as a result of the staff member’s official duties

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 529

SB 398: Perception of Victim Disability for Intimidation

SB 398 modifies the crimes of intimidation in the first and second degree to include offenses committed because of the offender's perception of a victim's disability. The measure adds disability as a protected category alongside race, color, religion, sexual orientation and national origin. The statutory definition of "disabled person" is contained in ORS 174.107. This definition, which pertains to all Oregon statutes not otherwise defined, defines a disabled person as having any mental or physical impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 666

911 EMERGENCY COMM

HB 3375: 2-1-1 System Development Legislation

HB 3375 modifies provisions related to the development and maintenance of the 2-1-1 telephone services that provides referral information regarding health and human services and services after an emergency. The measure directs the 2-1-1 system facilitator to develop and maintain a statewide resource database and to establish standards to solicit, review and evaluate designated regional information center applicants. HB 3375 requires the designated regional information center to collect, input and maintain regional resource information.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 205



HB 3466: Department of Forestry OWIN Legislation

House Bill 3466 A declares that the Department of Forestry's communications infrastructure meets policies and standards mandated by Federal Communications Commission and is compatible with other federal and state agencies and private departments, so the immediate conversion of the Department's communications infrastructure for compatibility with OWIN is not necessary.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 402

HJR 7: Catastrophic Disaster Constitutional Amendment

This House Joint Resolution proposes an amendment to the Oregon constitution to provide for government action in the event of a catastrophic disaster. The resolution includes the following provisions:

- ◆ Grants the governor the temporary authority to redirect general fund and lottery monies for thirty days following the declaration of a disaster, unless the legislature extends or passes laws specifying the use of funds.
- ◆ Permits extension of the time limit with approval of three-fifths of each chamber able to attend and requires passage of a bill that establishes a termination date.
- ◆ Permits legislative operation in a location other than Capitol and with a quorum of two-thirds of the members able to attend, rather than two-thirds of total members.
- ◆ Permits legislator attendance via electronic means.
- ◆ Restricts the governor to a one-time invocation per catastrophic disaster.
- ◆ Refers the proposed amendment to the people for a vote in a special election on same date as the next general election.

VITAL STATISTICS

Filed with the Secretary of State
on 6-28-2011



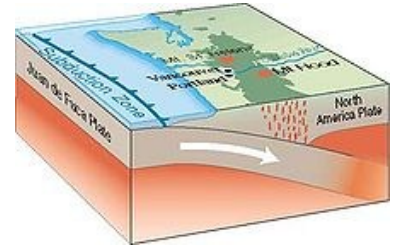
HR 3: Oregon Resilience Plan

HR 3 includes the following provisions:

- ◆ Recognizes the risks to life and property posed by Cascadia fault and associated tsunamis and earthquakes.
- ◆ Resolves that development and implementation of resilience policies, including those funded by Seismic Rehabilitation Grant Program, should be priorities.
- ◆ Urges development of evacuation options and funding the establishment of Critical Transportation and Energy Infrastructure.
- ◆ Urges the creation of an Oregon Resilience Plan by the Seismic Safety Policy Advisory Commission in conjunction with other state agencies and advisory bodies that is to be delivered to the Legislative Assembly by February 28, 2013.

VITAL STATISTICS

Filed with the Secretary of State
on 4-26-2011



SB 563: Emergency Health Care Providers

SB 563 allows previously licensed, certified or otherwise authorized health care providers to register as emergency health care providers. The measure:

- ◆ Provides health care services without license or certification during Governor-declared emergency.
- ◆ Authorizes the Oregon Health Authority (OHA) to direct emergency health care providers to another state where emergency health care services are required
- ◆ To adopt rules, after consultation with health professional regulatory board that establishes criteria and requirements for including persons on the emergency health care provider registry.
- ◆ Requires criminal background check for the registry.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 205



FIREARMS

HB 2792: Gun Possession and Gun Rights Reinstatement

HB 2792 allows persons to possess firearms while operating motorcycles, all-terrain vehicles and snowmobiles so long as the firearm is in a locked container or is equipped with trigger inhibitor. The measure:

- ◆ Permits persons operating snowmobiles to carry an unloaded firearm, bow, or concealed handgun.
- ◆ Prohibits the reinstatement of gun rights for persons convicted of person-felonies involving a firearm or deadly weapon, for persons convicted of crimes requiring imposition of a minimum mandatory sentence, and for one year after the end of jurisdiction for other convicted felons.

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 662



FORENSICS/EVIDENCE

SB 731: Statewide Biological Evidence Retention Policy

SB 731 establishes uniform procedures for the retention of biological evidence for the most serious crimes (murders and rapes) for a specific amount of time for both solved and cold cases. Specifically, SB 731 requires retention of biological evidence:

- ◆ For 60 years or until death of each person convicted of aggravated murder, murder, rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree;
- ◆ Until completion of a sentence by each person convicted of aggravated vehicular homicide, manslaughter in the first degree or manslaughter in the second degree; and until the statute of limitations has expired for charges that do not result in conviction.

VITAL STATISTICS

Effective Date: June 7, 2011
2011 ORS Site: Chapter 275



The measure also:

- ◆ Does not require the custodian to preserve evidence if it is of such size, bulk or physical characteristic as to render retention impracticable but authorizes custodian to remove and preserve portions in a quantity sufficient to permit future DNA testing.
- ◆ Requires courts to return admitted biological evidence to the responsible custodian or the defense, as appropriate.
- ◆ Prohibits the reversal of a prior conviction on the sole grounds that biological evidence is no longer available.
- ◆ Requires the Attorney General to adopt rules establishing the proper collection, retention, preservation, and cataloging of biological evidence in consultation of the Department of State Police and custodians.
- ◆ Specifies a process for the early destruction of evidence through the district attorney, providing notice and the opportunity for the defendant to object.

FORFEITURE LEGISLATION

HB 3041: DA Authority to Seek Animal Forfeiture

HB 3041 authorizes the district attorney to seek forfeiture of animals alleged to have been abused in criminal cases. Current ORS 167.347 allows for the impoundment of abused animals to a county animal shelter or other animal care agency pending the outcome of a criminal action charging various forms of animal abuse under ORS 167.315, 167.340, 167.355, 167.365 or 167.428. The county animal shelter or other facility may also file a petition under this section requesting that the court issue an order forfeiting the animal to the county or animal care agency prior to the final disposition of the criminal charge. House Bill 3041 allows the district attorney to file this petition on behalf of the county animal shelter or other animal care agency.

VITAL STATISTICS

Effective Date: June 21, 2011
2011 ORS Site: Chapter 455



HB 3151: Forfeiture Proceeds for Drug Treatment

HB 3151 adds drug treatment and programs that support drug treatment to the list of allowable uses of forfeiture proceeds. The measure does not require the forfeiting agency to spend proceeds for this purpose, but authorizes forfeiting agencies to utilize the funds for a range of purposes. This measure simply adds to the list.

VITAL STATISTICS

Effective Date: June 2, 2011
2011 ORS Site: Chapter 233



SB 430: Civil Forfeiture for Prostitution/Trafficking

SB 430 makes the crimes of involuntary servitude, trafficking in persons, and compelling prostitution subject to civil forfeiture. The measure includes Court Appointed Special Advocate (CASA) Volunteer Programs as permissible recipients of the remaining forfeiture proceeds.

VITAL STATISTICS

Effective Date: June 14, 2011
2011 ORS Site: Chapter 335



HONOR AND RECOGNITION

HB 3039: Roadside Memorial Signs

HB 3039 directs the Department of Transportation to erect and maintain a roadside memorial sign that commemorates a police officer killed in the line of duty if:

- ♦ The Legislative Assembly adopts a concurrent resolution that recognizes the police officer killed in the line of duty; and
- ♦ The department receives the payment of a fee determined by the department to cover the direct and indirect expenses associated with erecting, maintaining and removing a roadside memorial sign.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 668

HB 3039 includes the following addition provisions including:

- ♦ Requires the department to deposit revenue received for this purpose in the "Roadside Memorial Fund" established by the measure.
- ♦ Prevents a public body from expending moneys for the purpose of paying the fee necessary to cover the cost of the roadside memorial signs.
- ♦ Directs the Department of Transportation to establish the size, design and location of any roadside memorial sign and specifies that the name of the police officer must be included on the sign.

HB 3354: Ralph Painter Memorial Highway

HB 3354 names U.S. Highway 30 between St. Helens and Rainer as the Police Chief Ralph Painter Memorial Highway and directs the Oregon Department of Transportation to erect and maintain signs honoring Chief Painter.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 460



HCR 26: Honoring Richard Schuening (1944-1997)

HCR 26: Honors Oregon State Police Sergeant **Richard J. Schuening** (1944-1997) who died from explosion-related injuries he received while performing his duties as a Hazardous Devices Technician with the Oregon State Police on October 2, 1997.

VITAL STATISTICS

Filed with the Secretary of State
on 6-27-2011



HCR 27: Honoring Maria Mignano (1962-2001)

HCR 27: Honors Oregon State Police Senior Trooper **Maria Mignano** (1962-2001) who was struck and killed by a vehicle while assisting a family whose van was disabled on I-5 south of Salem in 2001.

VITAL STATISTICS

Filed with the Secretary of State
on 6-23-2011

HCR 28: Honoring Jason Hoerauf (1972-2001)

HCR 28: Honors Albany Police Officer **Jason Hoerauf** (1972-2001) who was struck and killed by a vehicle while assisting a family whose van was disabled on I-5 south of Salem in 2001.

VITAL STATISTICS

Filed with the Secretary of State
on 6-23-2011

HCR 29: Honoring Scott A. Lyons (1974-1997)

HCR 29: Honors Oregon State Police Trooper **Scott A. Lyons** (1974-1997) who was killed in a traffic collision, while on routine patrol west of Crescent, Oregon on September 2, 1997.

VITAL STATISTICS

Filed with the Secretary of State
on 6-27-2011

HCR 30: Honoring William R. Hakim (1957-2008)

HCR 30: Honors Oregon State Police Senior Trooper **William R. Hakim** (1957-2008) who died in the line of duty on December 12, 2008 as the result of a bomb explosion at a Woodburn-area bank.

VITAL STATISTICS

Filed with the Secretary of State
on 6-23-2011

HCR 31: Honoring James D. Rector (1950-1997)

HCR 31: Honors Oregon State Police Sergeant **James D. Rector** (1950-1997) who was killed in a traffic collision while on routine patrol west of Crescent, Oregon on September 2, 1997.

VITAL STATISTICS

Filed with the Secretary of State
on 6-27-2011

HCR 32: Honoring Dan A. Nelson (1948-1972)

HCR 32: Honors Oregon Police Trooper **Dan A. Nelson** (1948-1972) who was killed on the shoulder of Interstate 5 north of Salem on July 28, 1972, while issuing a warning to a motorist.

VITAL STATISTICS

Filed with the Secretary of State
on 6-27-2011

HCR 33: Honoring Holly V. Holcomb (1917-1975)

HCR 33: Honors Oregon State Police Superintendent **Holly V. Holcomb** (1917-1975) who died on November 25, 1975, when he was shot in front of the Public Service Building in Salem during a confrontation with a former member of the agency.

VITAL STATISTICS

Filed with the Secretary of State
on 6-27-2011



HCR 34: Honoring Thomas Paul Tennant (1957-2008)

HCR 34: Honors Woodburn Police Captain **Thomas Paul Tennant** (1957 – 2008) who was killed in the line of duty on December 12, 2008, as the result of a bomb explosion at a Woodburn-area bank.

VITAL STATISTICS

Filed with the Secretary of State
on 6-23-2011

SB 976: Law Enforcement Medal of Ultimate Sacrifice

Senate Bill 976 creates the Law Enforcement Medal of Ultimate Sacrifice, to be awarded, upon nomination by the Governor's Commission on the Law Enforcement Medal of Honor, to the family of a law enforcement officer who died as a result of performing duties of a law enforcement officer.

The medal presented to families will be bronze with a police shield overlaid by a sheriff's star with the seal of the State of Oregon and the words "Law Enforcement Medal of Ultimate Sacrifice." The medal will be suspended from a ring that is attached to a gold ribbon with a blue edge and inscribed with the phrase: "Awarded by a grateful state for the ultimate sacrifice by a law enforcement family."

Current members of the Governor's Commission on the Law Enforcement Medal of Honor are representatives of the Governor, Department of Public Safety Standards and Training, Oregon Association of Chiefs of Police, Oregon State Sheriffs' Association, a statewide organization of police officers, and a statewide association of peace officers. Senate Bill 976 adds a surviving family member of a law enforcement officer killed in the line of duty to the Commission.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 434



SB 987: Officer Chris Kilcullen Memorial Highway

SB 987 designates State Highway 126, beginning where highway intersects with West 6th Avenue and West 7th Avenue in Eugene and ending where highway intersects with Main Street in Springfield, as Officer Chris Kilcullen Memorial Highway. The measure directs the Oregon Department of Transportation to place and maintain markers along highway that indicate designation. On April 22, 2011, Officer Chris Kilcullen, 12-year veteran of the Eugene Police Department, was killed following a vehicle pursuit, becoming the department's first officer to die in the line of duty in more than 70 years.

VITAL STATISTICS

Filed with the Secretary of State
on 4-26-2011



LABOR ISSUES & PERS

HB 2456: PERS Out of State Tax Offset Elimination

House Bill 2456 establishes that the increased benefit provided by House Bill 3349 (1995) will not be paid to affected Tier One retirees whose payments are not subject to Oregon personal income tax on or after January 1, 2012. Upon applying for retirement payments, a PERS member must provide a written statement to the Public Employees Retirement Board (PERB) that indicates whether the payments are subject to Oregon personal income tax, and must notify the Board when that status changes. If the member fails to submit the written statement, or indicates that payments are not subject to Oregon personal income tax, PERB may not pay the increased benefit. The measure also requires the Department of Revenue to provide an annual report to PERB with information identifying persons to whom payments have been made, including information on personal income tax returns that the Board deems necessary for determining whether the retiree's payments are subject to Oregon personal income tax. The Board is required to provide written notification regarding the measure's provisions to all affected PERS members that are applying for or receiving payments. House Bill 2456 also extends similar provisions to public employers that provide its employees retirement benefits for police officers and firefighters other than by participation in PERS.

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 653



HB 3140: Police Officer Bill of Rights Clarification

HB 3140 clarifies that the "Police Officer Bill of Rights does not apply to disciplinary action taken against public safety officers who are represented in a collective bargaining unit if the collective bargaining agreement or the established policies of the law enforcement unit that employs the public safety officers provide for procedures and safeguards of the sort provided for in ORS 236.350 to 236.370. The provisions of HB 3140 apply to investigations begun on or after the effective date of the Act.

VITAL STATISTICS

Effective Date: June 1, 2011
2011 ORS Site: Chapter 202

HB 3251: Internal Investigation Audio/Video Release

House Bill 3251 prohibits the release of the audio or video records of internal investigation interviews of public safety officers but allows the release of transcripts containing the same information. The release of the video and audio recordings remains available for enumerated purposes, including to law enforcement, to an attorney representing the public safety officer who is the subject of the investigation, to the Department of Public Safety Standards and Training, to the public safety officer who is the subject of the investigation, to the attorney of a defendant in a criminal proceeding related to the investigation, to a labor organization, to a public body or to the office of the Attorney General.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 485

OFFICER ISSUES

HB 2274: Officer Assistance from Adjoining States

HB 2274 authorizes certified police officers from adjoining states within 50 miles from the contiguous border of Oregon to provide, or attempt to provide law enforcement services in circumstances where an interagency agreement does not exist. This type of assistance from out of state police officers can occur:

- ♦ In response to a request from an Oregon city, county or state law enforcement officer.
- ♦ In response to a reasonable belief that law enforcement services are necessary for the preservation of life and obtaining a request to assist from Oregon law enforcement is impractical. In these instances, the certified officer must obtain the authorization as soon as possible after services were provided.
- ♦ To assist an Oregon police officer in providing emergency service in response to criminal activity, traffic accidents, emergency incidents or other similar public safety problems (presence of the Oregon officer at the scene is not required).

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 472



HB 2274 requires a peace officer that provides services from a surrounding state to submit a written report of the incident (as soon as practicable) to the agency having primary law enforcement jurisdiction over the area.

For the purposes of HB 2274, certified police officers from adjoining states that exercise the authority provided in this measure:

- ♦ Are subject to the same civil immunities and liabilities as a police officer/agency in Oregon
- ♦ Are subject to the supervision of their employing agency unless control is temporarily delegated to an Oregon police agency.
- ♦ Are not authorized to receive separate compensation from an Oregon agency for providing law enforcement services.
- ♦ Are deemed to meet the police officer certification requirements in Oregon if they completed the basic training required for peace officer in the officers employing state.

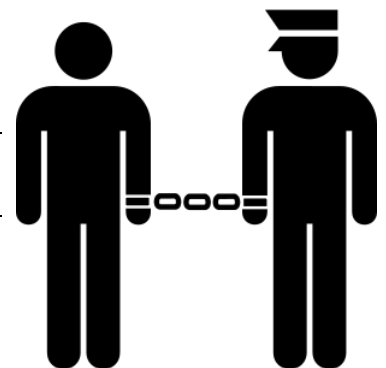
This Measure sunsets in four years.

HB 3153: Reserve Officers Definition Change

Bill 3153 adds reserve officers as a recognized category of peace officer alongside members of the Oregon State Police, sheriffs, constables, marshals, municipal police officers, investigators of a district attorney's office if appropriately certified as a peace officer, or an investigator of the Criminal Justice Division of the Department of Justice. "Peace officers", as defined in ORS 133.005, are granted a range of statutory powers, including community caretaking functions which permit entry into private premises to assist individuals in need and the ability to stop and redirect traffic if circumstances so require. Peace officers are also the subject of multiple special criminal offenses, including resisting arrest, interfering with a peace officer, furnishing false information to a peace officer and the like.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 641



SB 405: University Police Department Authorization

Senate Bill 405 would permit universities to develop on-campus police agencies that employ fully-certified officers, with the same training and authority as other police officers. SB 405 allows the State Board of Higher Education to, at the request of a public university under its control, authorize the university to establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state.

The measure provides that police officers commissioned under this section:

VITAL STATISTICS

Effective Date: June 23rd, 2011
2011 ORS Site: Chapter 506

- ♦ May enforce criminal laws and any administrative rules and policies adopted by the board or the commissioning university; and
- ♦ Have all the authority and immunity of a peace officer or police officer of this state.
- ♦ When a university establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

SB 405 provides that the State Board of Higher Education may enter into an agreement, or authorize a university under its control to enter into an agreement, with a municipal corporation or any department, agency or political subdivision of this state for the provision of mutual aid by their respective police officers.



SB 412: Tribal Police Authority

SB 412 provides authorized tribal police officers with certain powers and protections provided to Oregon law enforcement officers if certain conditions are met. The measure grants authority to persons certified by Department of Public Safety Standards and Training (DPSST), whose employing tribal governments:

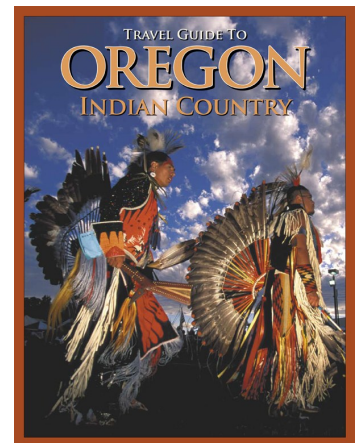
- ♦ comply with insurance requirements,
- ♦ adopt policies regarding discovery in criminal cases in conformity with state law and neighboring jurisdictions, and
- ♦ codify the following in tribal law: waiver of sovereign immunity from tort liability; provisions governing records retention, public access to records, and preservation of biological evidence; and a deadly force plan.

VITAL STATISTICS

Effective Date: July 22nd, 2011
2011 ORS Site: Chapter 644

SB 412 creates a process for nontribal law enforcement to apply to tribal government for authority to enforce state and tribal law on Indian country and requires a report to the legislature on the number of incidents of the exercise of such authority, if not granted. The measure includes the following additional provisions:

- ♦ Creates a transitional approach to grant of authority to tribal officers, limiting scope during first two years to three specific situations outside Indian country (hot pursuit, commission of crime in officer's presence, and upon request or approval of law enforcement agency with a jurisdiction), and unrestricted in Indian country.
- ♦ Sunsets these provisions July 1, 2013.
- ♦ Provides full scope of authority the following two years, sun setting July 1, 2015, then reverting to existing law.
- ♦ Defines Indian country.



OLCC LEGISLATION

HB 2361: Culpable Mental State Elimination for Sanctions

HB 2361 eliminates the culpable mental state requirement for administrative sanctions against liquor licensees and service permit holders that allow on-premises consumption of alcohol by visibly intoxicated persons. Prior to the passage of HB 2361, the Oregon Liquor Control Commission (OLCC) could only sanction licensees and permit holders if the OLCC could prove they knowingly allowed visibly intoxicated persons to consume alcohol.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 107



HB 3124: Work Group on Gray Machines

House Bill 3124 directs the Oregon State Police to establish a work group during the Legislative Assembly's 2011-2012 interim to develop recommendations for implementing a process for certifying that amusement devices placed in bars and restaurants that are licensed by the Oregon Liquor Control Commission are not gray machines. The work group is to be conducted in collaboration with the Oregon State Lottery Commission, and is to be comprised of a representative from both agencies, as well as a representative from the amusement device manufacturing industry, an amusement device distributor, and a full or limited on-premises licensee that is also a video lottery game retailer. The work group's recommendations must be reported to an interim legislative committee related to criminal justice on or before July 1, 2012. A "gray machine" is a type of device that gets its name because it provides a casino game, but cannot legally pay out winnings, instead awarding credits to the player for further play.

VITAL STATISTICS

Effective Date: June 16th, 2011
2011 ORS Site: Chapter 382



SB 36: OLCC License Refusal for Law Violations

SB 36 allows the Oregon Liquor Control Commission to refuse to issue a license if an applicant has been convicted of any general or local law in Oregon or another state that is substantially related to the applicant's fitness and ability to lawfully carry out the license's privileges.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 165



SB 878: Private Security Licensing Exemptions

SB 878 expands the number of exemptions to private security personal licensing requirements to include:

- ♦ A person who is employed to control the access at any entrance to the premises of an OLCC licensee. The measure specifies that a person controlling the entrance to premises as identified in the measure are not allowed to initiate confrontational activities.
- ♦ A person who monitors alarm systems that are not designed to detect threats to public safety or personal well-being.

VITAL STATISTICS

Effective Date: June 23, 2011
2011 ORS Site: Chapter 878

PSRB ISSUES

HB 3100: Changes to PSRB

HB 3100 includes the following provisions related to pleas of not guilty except for insanity:

- ♦ removes the requirement that the court place a person under the jurisdiction of the PSRB if the person had been found guilty except for insanity of a misdemeanor involving physical injury or risk of physical injury to another; and
- ♦ specifies that in determining the conditional release of a defendant placed under the jurisdiction of the Psychiatric Security Review Board (PSRB), the court is required to order that the person be examined by a local mental health program designated by the board and a report of the examination be provided to the court if each felony for which the defendant was found guilty except for insanity is a Class C felony. The measure directs the Oregon Health Authority to develop and implement a certification process for Psychologists and Psychiatrists who seek to serve as providers. This certification process will ensure that certified providers have an understanding of Oregon's mental health system, knowledge of the difference between chemical dependency and mental illness, and knowledge of the criteria of the guilty

VITAL STATISTICS

Effective Date: August 5th, 2011
2011 ORS Site: Chapter 724



SB 420: Modified Jurisdiction of the PSRB & OHA

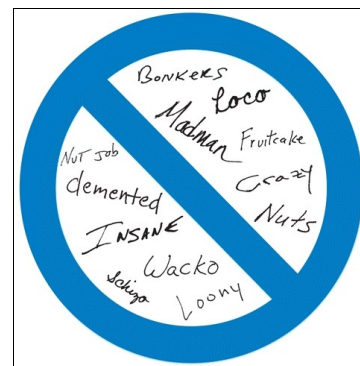
Senate Bill 420 modifies the court's dispositional authority when a person is found guilty except for insanity (GEI) of a crime. The bill defines Tier 1 and Tier 2 offenses for a person found guilty except for insanity:

- ♦ Tier 1 offenses involve Measure 11 violent crimes.
- ♦ Tier 2 offenses are defined as offenses that are not Tier 1 offenses.

The Oregon Health Authority (OHA) is mandated to exercise jurisdiction over Tier 2 offenders. The PSRB is mandated to exercise jurisdiction over Tier 1 offenders. However, when PSRB orders a Tier 2 offender to a state hospital or secure intensive community inpatient facility, jurisdiction is transferred to the Oregon Health Authority. When a person is conditionally released, jurisdiction is transferred back to the PSRB. The agency having jurisdiction over the person will hold hearings to determine conditional release or discharge of a person in a state hospital or secure intensive community inpatient facility. Portions of this measure become operative on January 1, 2012. The bill contains an emergency clause and takes effect on passage. The bill requires OHA and PSRB to each submit reports twice a year (until 2016) to the Legislative Assembly to describe the implementation and effects of this Act.

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 708



SB 432: Time Period Clarification for Aid and Assist

Senate Bill 432 clarifies that the time period in an aid and assist proceeding for restoring the person to capacity starts from the date on which the person is first committed to OSH. This issue arises when a person is sent to OSH, stabilized and sent back to jail, then destabilizes and returns to OSH. Under this measure, the three year period commences on the date the person was first committed to OSH.

VITAL STATISTICS

Effective Date: June 23, 2011
2011 ORS Site: Chapter 508



SEX OFFENSES

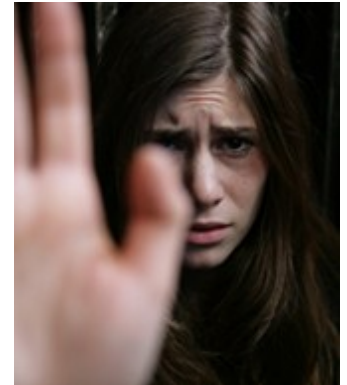
HB 2463: Photo Processor Mandatory Reporting

HB 2463 requires a computer technician receiving compensation or processor of photographic images, whether receiving or not receiving compensation, who has reason to believe he or she has observed an image of a child involved in sexually explicit conduct, to report this fact to the CyberTipline at the National Center for Missing and Exploited Children, the Department of Human Services or law enforcement in the county where the image was observed. The measure further:

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 109

- ◆ Requires the person to report the name and address, if known, of the person possessing the computer.
- ◆ Classifies the penalty as Class A misdemeanor.
- ◆ Absolves person from civil liability who in good faith reports an image involving a child.



HB 3204: Response to State v. Depeche Ruling

HB 3204 addresses a recent 2011 Court of Appeals ruling in State v Depeche. The decision held that the crime of failure to register as a sex offender is committed in the county in which the failure to register physically occurs. Otherwise stated, a defendant who fails to register a change of residence within 10 days as required by law commits the offense on midnight of the 10th day. House Bill 3204 A responds to this case by requiring a person obligated to do so under this section to report in person to the Oregon State Police in Marion County, Oregon. Venue is therefore established in Marion County for a failure to report as required. House Bill 3204 A also mandates that subsequent to the initial reporting requirement, an individual governed under this section must report to the Oregon State Police, a city police department or a county sheriff's office in the county of the person's last reported residence. As a practical matter, this establishes venue in Marion County for the offense of failure to register as a sex offender if the person required to report does not do so.

VITAL STATISTICS

Effective Date: August 2, 2011
2011 ORS Site: Chapter 675

HB 3239: Registration for Sexual Assault of an Animal

HB 3239 requires a person convicted of sexual assault of an animal ORS 167.333 to register as a sex offender.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 531



SB 3323: Repeals Furnishing and Luring Statutes

HB 3323 repeals ORS 167.045, furnishing sexually explicit material to a minor, and repeals most of ORS 167.057, the luring of minors, with the exception of the inducing provision (ORS 167.057(1)(b)(B) because the United States Court of Appeals for the 9th Circuit found these provisions unconstitutional. The 2007 Legislative Assembly in HB 2843 created two new crimes: furnishing sexually explicit material to a child (a Class A misdemeanor); and luring a minor (a Class C felony). In 2010, the United States Court of Appeals for the 9th Circuit found the furnishing sexually explicit material to a minor statute and most of the luring statute unconstitutional with the exception of the inducing provision.

VITAL STATISTICS

Effective Date: August 2, 2011
2011 ORS Site: Chapter 681

SB 356: Eliminates DOC Hormone Treatment Program

SB 356 eliminates the Department of Corrections' pilot program involving the treatment of sex offenders with hormone antiandrogen such as medroxyprogesterone acetate because DOC is unable to find an entity willing to provide the medical services necessary to operate the program.

VITAL STATISTICS

Effective Date: June 17th, 2011
2011 ORS Site: Chapter 419



SB 408: Juvenile Sex Offender Registration Changes

SB 408 modifies juvenile sex offender registration requirements in the following ways:

- ◆ Removes registration requirement for juvenile sex offenders adjudicated of Class A misdemeanors.
- ◆ Allows juvenile sex offenders adjudicated of Class C felonies to apply for relief from obligation to report within 30 days of end of jurisdiction, and if granted, requires obligation to end simultaneous with end of jurisdiction.
- ◆ Permits juveniles adjudicated of Class A and B felonies to apply for relief anytime after two years have passed from the termination of jurisdiction.

VITAL STATISTICS

Effective Date: June 7, 2011
2011 ORS Site: Chapter 271

Senate Bill 408 A modifies juvenile sex offender registration requirements in the direction of greater leniency for those who pose the lowest risk. It requires only those adjudicated of felony sex offenses to register, permits those adjudicated of Class C felonies to apply for relief from registration requirements as their case is ending, and lifts the time bar for others who are otherwise eligible to apply for relief, without altering the relief process.



SB 425: Age Defense Elimination for Compelling

SB 425 removes the requirement that the state prove that a person charged with compelling a minor to engage in prostitution knew the person being compelled was a minor and eliminates the defense that the defendant did not know the minor's age or that the defendant reasonably believed the minor was older than eighteen years of age. The measure also adds "aids or facilitates" to the crime of compelling prostitution and subjects a juvenile age 15, 16 or 17 years old to juvenile court jurisdiction rather than adult court, and a mandatory minimum sentence of 70 months

VITAL STATISTICS

Effective Date: June 14th, 2011
2011 ORS Site: Chapter 334

SB 557: Sexual Assault Response Team Requirement

SB 557 requires the district attorney of each county to organize a sexual assault response team (SART) and:

- ◆ Requires each SART to adopt protocols addressing sexual assault response.
- ◆ Requires certain health care facilities to adopt policies for treatment of acute sexual assault patients.
- ◆ Requires certain health care facilities that perform forensic medical examinations of sexual assault patients to adopt guidelines developed by a Sexual Assault Task Force and to employ or contract with a sexual assault forensic examiner trained to satisfy the certification requirements of the Oregon Sex Assault Examiner/Sex Assault Nurse Examiner Certification Commission.
- ◆ Allows for the adoption of protocols specific to child victims developed pursuant to ORS 418.747. modifies requirements to accommodate facilities that conduct forensic exams and treat only child victims of sexual assault.

VITAL STATISTICS

Effective Date: July 1st, 2011
2011 ORS Site: Chapter 511

SB 803: Knowingly Accesses Pornography Definition

Senate Bill 803 expands the definition of "knowingly possess" to include "knowingly accesses with the intent to view" a visual recording of sexually explicit conduct involving a child. The measure also modifies the definition of "visual depiction" by replacing photographs, films, videotapes, pictures or computers with "visual recording", which is subsequently defined in a new subsection as including but not limited to photographs, films, videotapes and computer and other digital pictures, regardless of the manner in which the recording is stored. The practical import of this modification is an attempt to capture instances where a defendant views pornography on a third party website but does not download the images to a computer, print the images or retain the images.

VITAL STATISTICS

Effective Date: June 23rd, 2011
2011 ORS Site: Chapter 654

SHERIFFS & COUNTY

HB 2482: Task Force on Special Populations Housing

HB 2482 creates the eleven-member Task Force on Shared Housing of Special Populations in County Jails. The measure directs the task force to explore the feasibility of dedicating certain parts of a local community correctional facility to specific categories of inmates that have special housing needs and to consider regional approaches when doing so. Sets forth who appoints the members of the task force (three members appointed by the Speaker of the House, three by the Senate President and five by the Governor from specific stakeholder groups). The measure directs the Department of Corrections to provide staff for the task force.

VITAL STATISTICS

Effective Date: August 2, 2011
2011 ORS Site: Chapter 654



HB 2693: Service of Warrant Record is not Hearsay

HB 2693 requires an agency to record the issuance of a warrant in the County Clerk Lien Record for the county in which the sheriff serves. The measure provides that the sheriff's documentary record of return of service of the warrant is not considered hearsay for purposes of the Oregon Evidence Code (OEC) in civil or criminal proceedings.

VITAL STATISTICS

Effective Date: Sept. 29, 2011
2011 ORS Site: Chapter 611

HB 2694: Writ of Eviction Time Extension

HB 2694 allows the court to extend the time permitted to execute a writ for eviction upon a showing of good cause by the sheriff. The measure also:

- ◆ Allows the sheriff to require a plaintiff requesting a warrant directing the sheriff to abate a nuisance to pay for the expenses of executing the warrant.
- ◆ Allows a prevailing plaintiff to recover fees and expenses associated with the service of a warrant by the sheriff without the entry of a supplemental judgment or order.
- ◆ Requires sheriff to notify plaintiff requesting eviction if the operation of a writ of eviction is extended upon sheriff's request upon a showing of good cause.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 366



HB 2707: Housing Measure 11 Youth in Juvenile Facility

HB 2707 requires a youth who is fifteen or sixteen years old and charged with a Measure 11 offense or waived to adult court, to be detained in a juvenile detention facility unless the director of the county juvenile department and the sheriff agree to detain the juvenile in a jail or other place where adults are detained.

VITAL STATISTICS

Effective Date: May 19, 2011
2011 ORS Site: Chapter 122

HB 3490: Workers Compensation for Search and Rescue

House Bill 3490 specifies that the county in which the search and rescue volunteer is registered is to provide workers' compensation coverage even if the volunteer serves in another county, as long as that county requested help through the county in which the volunteer is registered. The measure also specifies that if a search and rescue volunteer serves in a county in which he or she is not registered and the request did not come through the county in which he or she is registered, the county in which the volunteer work is performed is the county that must provide the workers' compensation coverage.

VITAL STATISTICS

Effective Date: June 17, 2011
2011 ORS Site: Chapter 403

SB 396: Restraining Order Process Changes

SB 396 authorizes the sheriff to serve a copy of a protective order transmitted by an electronic communication device from a court or law enforcement agency. The measure:

- ♦ Allows an order to modify a restraining order to be served by mail under some circumstances.
- ♦ Provides that when peace officers accompany a restrained person to their household in order for them to gather essential personal effects before exclusion, that the person will have 20 minutes to gather their personal effects and will only be permitted to do so once.
- ♦ Grants peace officers civil and criminal immunity from all liability committed by a restrained person during the gathering of their effects.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 269



SB 443: Federal Forest Money for County Enforcement

SB 443 extends sunset until 2016 on the provision that allows federal forest reserve moneys in Douglas and Lane County road funds to be used for patrolling of roads in these counties by law enforcement officials.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 556

TRAFFIC/MOTOR VEHICLE

HB 2712: Criminal Fines Statutes Rewrite

House Bill 2712 updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. The measure does not make any change to current law misdemeanor or felony structure.

VITAL STATISTICS

Effective Date: July 1st, 2011
2011 ORS Site: Chapter 597

The major provisions of the measure are:

- ◆ Establishes a presumptive fine thereby eliminating the need for calculation of a foundation amount, base fine amount, and the minimum fine amount;
- ◆ Establishes the presumptive fine by statute, applies this fine statewide, and eliminates variability in fine amounts based on the court into which a person is cited;
- ◆ Eliminates the unitary assessment and the county assessment by consolidating them into the presumptive fine;
- ◆ Provides for judicial discretion to reduce the presumptive fine by up to 50 percent;
- ◆ Increases the judicial discretion in school, construction, and safety corridor zones fine to 75 percent of the presumptive fine; and
- ◆ Adds \$3 to the uniform presumptive fine amounts for state court facilities and security.



	Current Law	HB 2712
Class A Violation	\$472	\$435
Class B Violation	\$287	\$260
Class C Violation	\$190	\$160
Class D Violation	\$142	\$110

HB 3128: Surrendering License to End Suspension

House Bill 3128 allows that a person may end the suspension of driving privileges by voluntarily surrendering his or her license. This would be applicable to individuals suspended for a failure to submit to an examination by the Oregon Department of Transportation (ODOT) under ORS 807.340, a person who has failed to receive medical clearance to drive after an ODOT request to do so, or because of mental or physical impairment or incompetence.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 126



HB 3150: Speed Limit Reduction for Pedestrians/Bicycles

HB 3150 authorizes a road authority to designate speeds five miles per hour lower than the statutory speed on low volume traffic routes designed to facilitate pedestrian and bicycle traffic. The measure requires the road authority to post signs giving notice of the speed designation and the presence of pedestrians or bicycles.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 384



HB 3185: “Retirement from Driving” Work Group

HB 3185 creates a work group in the Department of Transportation for purposes of evaluating system of mandatory reporting of persons with persistent, episodic or other cognitive or functional impairments that prevent those persons from driving safely. The Director of the Department of Transportation is responsible for appointing the work group members from a large number of stakeholders as outlined in the measure.

The work group is tasked with the responsibility to:

- ◆ Evaluate the department’s current system for mandatory reporting on persons with cognitive or functional impairments.
- ◆ Identify barriers to reporting, if any, by health care professionals.
- ◆ Consider evidence-based assessment tools that may be used by health care professionals or the department to inform the department’s decision as to whether a person lacks the cognitive or physical abilities to safely maintain their driving privileges.
- ◆ Consider the value of and the cost and methodology for developing a new evidenced based assessment tool.
- ◆ Consider the value of and the cost and methodology for developing age-based renewal and testing requirements.
- ◆ Consider whether the standards for “cognitive or functional impairment” and “severe and uncontrollable impairment” under the department’s administrative rules are the appropriate standards for mandatory reporting and whether other terms such as “persistent” and “episodic” should be added to the department’s administrative rules or to the Oregon Revised Statutes, the purpose of which is to further highway safety by removing driving privileges from those who no longer possess the ability to safely operate a motor vehicle.
- ◆ Determine whether other components of the mandatory reporting system need to be examined and evaluate those components if necessary.
- ◆ Report recommendations of the work group to the appropriate legislative interim committee(s) no later than October 1, 2012.

VITAL STATISTICS

Effective Date: June 9th, 2011
2011 ORS Site: Chapter 295



HB 3186: Cell Phone Business Exemption Elimination

House Bill 3186 removes the exception for individuals operating a motor vehicle in the scope of the person's employment. All other exceptions remain, including the vocational exceptions for persons engaged in agricultural operations, operating emergency vehicles and law enforcement. House Bill 3186 adds further exceptions for individuals operating a tow or roadside assistance vehicle or operating a vehicle owned or contracted by a utility for the purpose of maintaining that utility. House Bill 3186 also allows an individual providing transit services to operate a one-way voice communication device.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 530



HB 3590: Occupant Protection for Children over 40 lbs.

House Bill 3590 clarifies that children weighing over 40 pounds may either ride using a booster seat and shoulder belt, a lap belt only if no shoulder belt is available, or ride secured with a safety system that meets the minimum standards and specifications established by the Oregon Department of Transportation under ORS 815.055 for children weighing more than 40 pounds. Such systems typically use a five-point harness system, which is considered safer for young children than a lap or shoulder belt used with a booster seat.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 300

SB 130: Addition of Bicycle Traffic Signals

SB 130 adds green, yellow, flashing yellow, and red bicycle signals to list of traffic control devices and specifies the movements allowed for each of the new signals as follows:

Green bicycle signal. A bicyclist facing a green bicycle signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. The bicyclist shall yield the right of way to other vehicles within the intersection at the time the green bicycle signal is shown.

Steady yellow bicycle signal. A bicyclist facing a steady yellow bicycle signal is thereby warned that the related right of way is being terminated and that a red bicycle signal will be shown immediately. A bicyclist facing a steady yellow bicycle signal shall stop at a clearly marked stop line, but if none, shall stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. If a bicyclist cannot stop in safety, the bicyclist may proceed cautiously through the intersection.

Steady red bicycle signal. A bicyclist facing a steady red bicycle signal shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. The bicyclist shall remain stopped until a green bicycle signal is shown except when the bicyclist is permitted to make a turn under ORS 811.360.

Flashing yellow arrow signal. A driver facing a flashing yellow arrow signal, alone or in combination with other signal indications, may cautiously enter the intersection only to make the movement indicated by the flashing yellow arrow signal or the movement permitted by other signals shown at the same time. A driver shall yield the right of way to other vehicles within the intersection at the time the flashing yellow arrow signal is shown. In addition, a driver turning left shall yield the right of way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when the turning vehicle is moving across or within the intersection.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 168



SB 341: Commercial Vehicles in Roundabouts

SB 341 includes the following three provisions related to roundabouts. The measure:

- ♦ Adds to the offense of failure to yield right of way within a roundabout if a person operates a motor vehicle upon a multilane circulatory roadway and:
 - * Overtakes or passes a commercial motor vehicle;
 - * Drives alongside a commercial motor vehicle
- ♦ Authorizes a person who operates a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes for traffic to operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.
- ♦ Directs road authorities to place signs prior to each multilane roundabout located on a highway under its jurisdiction that warns drivers of the hazard of driving next to a commercial motor vehicle.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 85

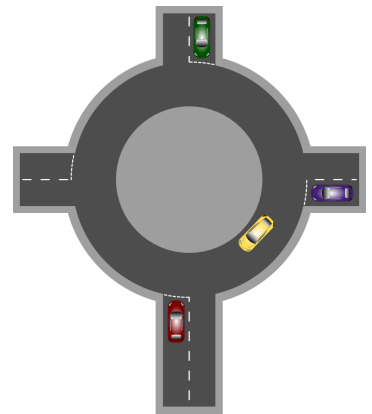


SB 415: Careless Driving Vulnerable User Determination

SB 415 changes the responsibility of an officer to determine if a vulnerable user of a public way suffered serious physical injury or death when a citation for careless driving is issued. The new language requires the police officer to note on the citation if the cited offense “appears to have contributed” to the serious physical injury or death of a vulnerable user of a public way. This modification removes the requirement that the officer make a final determination as to whether a person was both a vulnerable victim and seriously injured at the time of the issuance of the citation when all investigation may not have been completed and errors about the severity of a victim’s injury are easily made. ORS 801.608 defines “vulnerable user of a public way” to include pedestrians (the term “pedestrian” includes persons confined to wheelchairs), highway workers, animal riders, bicyclists, skaters, and operators of farm equipment.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 423



VICTIMS RIGHTS

HB 2244: Domestic Violence Record Disclosure Exemption

HB 2244 exempts from disclosure records of domestic violence service or resource center that concern individuals affected by domestic or sexual violence who visit center for referrals, resource information or related services, or individuals' family members.

The measure insures that domestic violence service or resource center records that relate to the name or personal information of an individual who visits a center for service, including the date of service, the type of service received, referrals or contact information or personal information of a family member of the individual are exempt from disclosure. The measure defines "domestic violence service or resource center" as an entity, the primary purpose of which is to assist persons affected by domestic or sexual violence by providing referrals, resource information or other assistance specifically of benefit to domestic or sexual violence victims.

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 645



HB 2663: Victims Procedural Rights Revision

Sections 42 and 43 of Article I of the Oregon Constitution detail the procedural and substantive rights granted to crime victims. House Bill 2663 modifies several of the procedural statutes underpinning these sections including:

- ◆ Modifies the obligations of a district attorney to consult with a crime victim by requiring the prosecuting attorney to notify the court at the beginning of every judicial settlement conference, plea hearing or sentencing whether the victim is present and, if not, whether the victim was informed of the conference. Requires the prosecuting attorney to make a reasonable effort to consult the victim before making a plea offer and before entering into a final plea agreement in all cases involving a violent felony.
- ◆ Extends the right of victims to make a request to reconsider a release decision of a defendant or to allege a violation of the portion of the Oregon Constitution pertaining to victim's rights. Currently, a victim has only seven days from learning of a release decision or constitutional violation. House Bill 2663 extends this to 30 days.
- ◆ Allows for notice of interlocutory appeal to be sent by means beyond personal service, including electronic mail and facsimile transmission in addition to any other method authorized by law.

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 659



HB 2925: Restraining Order While Defendant is in Custody

HB 2925 requires issuance of a restraining order to prohibit contact with a victim of domestic violence or sex crime while the defendant is in custody. The order:

- ◆ Shall apply at any time during which the defendant is held in custody on the charge; and
- ◆ Shall remain valid until the defendant is sentenced for the crime, the charge is dismissed
- ◆ or the defendant is acquitted of the crime.
- ◆ The measure authorizes the court to terminate the order if the court finds, after a hearing on the petitions, that terminating the order is in the best interests of the parties and the community.

VITAL STATISTICS

Effective Date: June 2nd, 2011
2011 ORS Site: Chapter 232

HB 3021: Crime Victims Compensation Changes

House Bill 3021 makes a number of grammatical and substantive changes to the statutes dealing with the crime victims compensation program. The measure:

- ♦ Allows victims to apply for compensation within one year of the date of the injury instead of the current time limit of six months .
- ♦ modifies language regarding counseling benefits available to a victim if an offender is going through the post-conviction processes (appeals, post-conviction relief, habeas corpus cases, etc) to make the benefits more accessible to victims and clarify that the amount which can be distributed to a victim under this section is capped at \$20,000 while allowing flexibility for those victims who have suffered a catastrophic injury.

VITAL STATISTICS

Effective Date: May 19th, 2011
2011 ORS Site: Chapter 125



HB 3066: Restitution Collection Pilot Program

HB 3066 directs the Department of Justice to establish a restitution collection pilot program in geographically dispersed counties or regions of the state to increase the collection of restitution. The measure directs the department to:

- ♦ Make grants from the Restitution Collection Pilot Program to enable the district attorney's office of each county, or a district attorney's office located in a region, participating in the pilot
- ♦ program to employ at least one restitution clerk on at least a part-time basis.
- ♦ Establishes in the State Treasury the Restitution Collection Pilot Program Fund
- ♦ Appropriates to the Department of Justice, out of the Criminal Injuries Compensation Account, the amount of \$1,800,000, to be deposited in the Restitution Collection Pilot Program Fund.
- ♦ Directs the department shall expend at least \$800,000 during the 2011-2013 biennium to make
- ♦ grants under the provisions of the measure..
- ♦ Directs the department to maintain records of the amounts of monetary obligations imposed on and collected from defendants in counties or regions in which restitution clerks and collection agents are employed.
- ♦ Directs the Department of Justice and the Judicial Department to submit two reports to the Legislative Assembly, on the status of the restitution collection pilot program (not later than February 4, 2013, and not later than February 3, 2014).

VITAL STATISTICS

Effective Date: August 2nd, 2011
2011 ORS Site: Chapter 670



HB 3273: LODD Family Address Confidentiality

HB 3273 allows a household member of an officer killed in the line of duty to continue to utilize a confidential address for a four year period following the death. The measure:

- ♦ provides that if an police officer (eligible employee) is killed in the line of duty, a person who is a household member of the officer may request that any driver or vehicle record kept by the department that contains or is required to contain the household member's residence address continue to contain the address of the public agency that employed the officer for up to four years after the date of the death of the police officer.
- ♦ On or before the date on which the four-year period ends, the household member shall notify the department of a change of address.
- ♦ The Department of Transportation is directed to create the process and forms necessary for a request of this sort.

VITAL STATISTICS

Effective Date: January 1, 2012
2011 ORS Site: Chapter 297

Legislative Report Bill Index

ALCOHOL/DUII

HB 2103	Use of Intoxicants during DUII diversion	1
HB 2104	Increased Fees for DUII and Diversion	1
HB 2702	Diversion Extension for Active Military	1
HB 3075	Ignition Interlock Device Installation Mandate	2
HB 3110	Alcohol and Drug Policy Commission Changes	2
SB 65	Alcohol Measurement in Blood or Breath	2
SB 395	Clarifies Sentence for DUII	3
SB 406	Restoration of Driving Privilege Changes	3

BUDGET HIGHLIGHTS

SB 5505	Department of Corrections Budget Summary	4
SB 5518	Department of Justice Budget	4
SB 5537	Oregon State Police Budget	5
SB 5541	DPSST Budget	6
SB 5549	Oregon Youth Authority Budget	6

CORRECTIONS/PAROLE and PROBATION

HB 3160	Alternative Sentencing Facility "Good Time"	7
HB 3285	DOC Fee Collection Clarification	7
HB 3286	DOC Fee Authority for Serving Process	7
HB 3309	DOC On-the Job Training Program	7
SB 63	Residency Requirements as a Condition of Release	8
SB 76	Adds Supervisors to Corrections Officer Definition	8

COURTS/SENTENCING

SB 75	Extension of "Inactive Status" for Post-Prison	9
SB 730	60 Day Sanction Limit for Probation Violation	9
SB 868	Measure 11 "State v. Godines" Fix	9

CRIMES and VIOLATIONS

HB 2174	Hydrocodone, Oxycodone and Methadone	10
HB 2183	False Report of Child Abuse Violation	10
HB 2662	Mental Illness Firearm Reporting	10
HB 2721	Spiritual Treatment Defense Changes	11
HB 2940	Increased Penalty for Strangulation	11
HB 3142	Youth Correction Facility Staff Protection	11
SB 398	Perception of Victim Disability for Intimidation	12

911 EMERGENCY COMMUNICATIONS

HB 3375	2-1-1 System Development Legislation	13
HB 3466	Department of Forestry OWIN Legislation	13
HJR 7	Catastrophic Disaster Constitutional Amendment	13
HR 3	Oregon Resilience Plan	14
SB 563	Oregon Health Care Providers	14

FIREARMS LEGISLATION

HB 2792	Gun Possession and Gun Rights Reinstatement	15
---------	---	----

FORENSICS/EVIDENCE

SB 731	Statewide Biological Evidence Retention Policy	15
--------	--	----

Legislative Report Bill Index

FORFEITURE LEGISLATURE

HB 3041	DA Authority to Seek Animal Forfeiture	16
HB 3151	Forfeiture Proceeds for Drug Treatment	16
SB 430	Civil Forfeiture for Prostitution/Trafficking	16

FIREARMS/WEAPONS

SB 603	Revised Definition of “readily accessible” for Possession in a vehicle	21
--------	--	----

HONOR AND RECOGNITION

HB 3039	Roadside Memorial Signs	17
HB 3354	Ralph Painter Memorial Highway	17
HCR 26:	Honoring Richard Schuening (1944-1997)	17
HCR 27:	Honoring Maria Mignano (1962-2001)	18
HCR 28:	Honoring Jason Hoerauf (1972-2001)	18
HCR 29:	Honoring Scott A. Lyons (1974-1997)	18
HCR 30:	Honoring William R. Hakim (1957-2008)	18
HCR 31:	Honoring James D. Rector (1950-1997)	18
HCR 32:	Honoring Dan A. Nelson (1948-1972)	19
HCR 33:	Honoring Holly V. Holcomb (1917-1975)	19
HCR 34:	Honoring Thomas Paul Tennant (1957-2008)	19
SB 976:	Law Enforcement Medal of Ultimate Sacrifice	19
SB 987:	Officer Chris Kilcullen Memorial Highway	20

LABOR ISSUES & PERS

HB 2456	PERS Out of State Tax Offset Elimination	21
HB 3140	Police Officer Bill of Rights Clarification	21
HB 3251	Internal Investigation Audio/Video Release	21

OFFICER ISSUES

HB 2274	Officer Assistance from Adjoining States	22
HB 3153	Reserve Officers Definition Change	22
SB 405	University Police Department Authorization	23
SB 412	Tribal Police Authority	23

OLCC LEGISLATION

HB 2361	Culpable Mental State Elimination for Sanctions	24
HB 3124	Work Group on “Gray Machines”	24
SB 36	OLCC License Refusal for Law Violations	24
SB 878	Private Security Licensing Exemptions	24

PSRB LEGISLATION

HB 3100	Comprehensive Changes to PSRB	25
SB 420	Modified Jurisdiction of the PSRB & OHA	25
SB 432	Time Period Clarification for Aid and Assist	25

SEX OFFENSES

HB 2463	Photo Processor Mandatory Reporting	26
HB 3204	Response to State v. Depeche Ruling	26
HB 3239	Registration for Sexual Assault of an Animal	26
HB 3323	Repeals Furnishing and Luring Statutes	27
SB 356	Eliminates DOC Hormone Treatment Program	27
SB 408	Juvenile Sex Offender Registration Changes	27
SB 425	Age Defense Elimination for Compelling	28
SB 557	Sexual Assault Response Team Requirement	28
SB 803	Knowingly Accesses Pornography Definition	28

Legislative Report Bill Index

SHERIFFS & COUNTY

HB 2482	Task Force on Special Populations Housing	29
HB 2693	Service of Warrant Record is not Hearsay	29
HB 2694	Writ of Eviction Time Extension	29
HB 2707	Housing Measure 11 Youth in Juvenile Facility.....	29
HB 3490	Workers Compensation for Search and Rescue	30
SB 396	Restraining Order Process Changes	30
SB 443	Federal Forest Money for County Enforcement	30

TRAFFIC/MOTOR VEHICLE

HB 2712	Criminal Fines Statutes Rewrite.....	31
HB 3128	Surrendering License to End Suspension.....	31
HB 3150	Speed Limit Reduction for Pedestrians/Bicycles.....	32
HB 3185	“Retirement from Driving” Work Group	32
HB 3186	Cell Phone Business Exemption Elimination	33
HB 3590	Occupant Protection for Children over 40 lbs.	33
SB 130	Addition of Bicycle Traffic Signals	33
SB 341	Commercial Vehicles in Roundabouts	34
SB 415	Careless Driving Vulnerable User Determination.....	34

VICTIMS RIGHTS

HB 2244	Domestic Violence Record Disclosure Exemption	35
HB 2663	Victims Procedural Rights Revision	35
HB 2925	Restraining Order While Defendant is in Custody.....	35
HB 3021	Crime Victims Compensation Changes	36
HB 3066	Restitution Collection Pilot Program.....	36
HB 3273	LODD Family Address Confidentiality	36