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Oregon Association Chiefs of Police

STATE OF OREGON
**LEGISLATIVE
REPORT**
1859



2019

Legislative Session

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Special thanks to Chloe Campbell for her hard work and assistance with this report.



2019 Legislative Session “New Laws” Report

On Sunday evening June 30th at 5:23 pm, the Oregon House of Representatives and Oregon State Senate completed their work and adjourned the 2019 Legislative Session “Sine Die”. The Session will be remembered as contentious, controversial, dramatic and historic. With strong Democrat control of both chambers and the Governor’s office, the Republican minority utilized a few obscure rules to create leverage in order to kill or change bills they strongly opposed. As an initial step, House and Senate Republicans required that every bill be read in its entirety before a floor vote could occur. This created significant process delays and frustrated legislative leadership. As a way to increase the leverage further, Senate Republicans exercised “the nuclear option” on two separate occasions by leaving the state and denying Democrats the quorum necessary to conduct business. In the final two weeks of Session, missing Senate Republicans brought Senate Floor Sessions to a complete halt for 10 days. In response, the Senate President began fining each missing Senator \$500 for every day they were absent and the Governor deployed the Oregon State Police to find and return the Senate Republicans. With the deadline for the end of session looming, legislative leadership and the Governor reached agreement with Senate Republicans on the terms of their return to the Capitol so that the state budget could be finalized and remaining policy bills could be passed. In exchange for their return, Republican Senators prevented HB 2020 (Cap and Trade) from passing during the 2019 Legislative Session. Without this agreement, the Session would have ended abruptly at midnight on June 30th (the Constitutional Deadline) and over 100 policy and budget bills would have died for lack of a Senate vote.

Disclaimer: The following “New Laws” report attempts to provide law enforcement agencies with a detailed review of the key provisions of measures impacting public safety that were passed during the 2019 Legislative Session. While every effort was made to insure accuracy, this report should not be considered legal advice or counsel. Please consult your city attorney or county counsel regarding issues involving legal interpretation and always read the actual text of a measure for confirmation and clarification.

Thank you for your confidence in my work on your behalf and thank you for the privilege to represent Oregon’s law enforcement leaders!

Kevin Campbell, OACP Executive Director

Important Background – Getting the Most from this Report

[Accessing the complete text of a measure:](#)

While the following report attempts to provide a significant amount of detail regarding the provisions of adopted legislation, you may want to read the actual language of the bill. To read the actual text of a new law, simply click on the bill number on the left side of the report and a pdf of the “Enrolled Bill” will open. As a bill makes its way through the legislative process, earlier versions of a bill will identify current language that is being removed in *italics* and new language in **bold text**. However, the enrolled bill shows the final language of the law as it will appear initially in Oregon Laws and eventually in the Oregon Revised Statutes.

[The difference between Oregon Laws vs. Oregon Revised Statutes](#)

What are the “Oregon Laws”?:

At the end of every legislative session, all the bills passed by the House and Senate and signed by the Governor are combined into a publication called the “Oregon Laws”. In addition to legislative measures, the Oregon Laws also includes legislative resolutions, the text of statutory initiatives adopted by voters for the regular session that follows the election and supplemental documents including the index, tables and foreword. Each bill that is signed by the Governor is assigned an Oregon Laws chapter number by the Secretary of State. Chapter numbering begins with 1 for each regular or special session. While legislation will eventually receive an Oregon Revised Statute (ORS) citation, the Oregon Laws chapter citation is the reference until it does and law enforcement will cite to an Oregon Laws reference until an updated ORS cite is identified for provisions of the law.

When are the Oregon Revised Statutes Updated?:

The Oregon Revised Statutes constitute the codified laws of the State of Oregon and they are published every two years. Each addition incorporates all laws and changes to laws enacted by the Legislative Assembly through the odd-numbered year regular session referenced in the volume titles for that edition. In other words, the 2017 Edition of the Oregon Revised Statutes includes the law changes made by the Oregon Legislature during the 2017 Legislative Session. The next ORS update will be published by the end of 2019.

[Paying attention to effective dates:](#)

In this report, the effective date of each measure will be included in the explanation of key provisions. In some cases, the effective date isn’t known yet because the Governor hasn’t signed the bill yet. It is important to note that in some cases, different provisions within a single bill may have different effective dates. Every measure will take effect based on one of three options:

- **Default Effective Date:** If there is no specific effective date mentioned in the final text of a bill, the effective date is always January 1st of the following year. For bills passed during the 2019 Legislative Session, these measures will take effect on January 1st, 2020

- **Designated Effective Date:** In some cases, the effective date is specifically noted “date certain” in the text of a bill for a wide variety of reasons including:
 - To provide time to educate the public regarding a new measure
 - To delay any potential cost of implementing provisions of a bill into the future
 - To give impacted organizations/agencies, time to adjust to the new requirements/provisions
- **“Emergency Clause” - Takes Effect Upon Passage Date:** The terminology for an effective date that occurs “upon passage” is called an “Emergency Clause” because these bills take effect immediately once the Governor signs the bill. An “Emergency Clause is intended to address situations where the legislature determines the measure is necessary for the immediate preservation of the public peace, health and safety

2019 Public Safety Legislation

❖ ALCOHOL/DRUGS/PRESCRIPTION DRUGS:

[HB 2638](#) – Modifies Membership of the Alcohol and Drug Policy Commission

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 54
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HB 2638 includes the following key provisions:

- Expands and modifies membership of the Alcohol and Drug Policy Commission.
- Removes reference to the minimum number of Governor's appointees.
- Requires at least 75 percent to represent public health and health care, and 25 percent to represent public safety.
- Adds social services providers and specifies inclusions of addiction prevention and recovery services providers.
- Allows the Commission director to recommend replacement if a member is absent from more than two consecutive scheduled meetings.
- Modifies the definition of the alcohol and drug abuse prevention and treatment program in

[HB 3005](#) – Ignition Interlock Device Law Modifications

Effective Date: July 1 st , 2020	2019 Oregon Laws Site: Chapter 200
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This legislation modifies the statutes related to ignition interlock devices and includes the following key provisions:

- Defines ignition device service center and manufacturer's representative.
- Increases the percent of blood alcohol level needed to trigger a failed interlock device test report.

- Clarifies the criminal background check requirements for interlock device technicians.
- Directs the creation of a process to contest a negative report.
- Expands the ability of the Oregon State Police to assess fees.

SB 999 – DUII “Banks Decision Fix”

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 475
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Senate Bill 999 restores the ability of police officers to enforce DUII after a recent Oregon Supreme Court decision (State v. Banks 364 Or. 332, 2019) found that the act of refusing to provide a sample after an arrest can be either an act of noncooperation or an invocation of that individual's constitutional protections against self-incrimination. To address the court decision, SB 999 creates a bifurcated process for a police officer to request a suspect's consent and cooperation for a breath, urine, or blood test when the officer arrests the suspect under suspicion of driving under the influence of intoxicants.

1. The officer will ask the suspect to consent to the breath, urine, or blood test and explain the rights and consequences associated with the test.
2. If the suspect refuses to consent to the test, the officer can then ask the suspect to physically cooperate with the test; either after the officer has requested and received a warrant from a judge or under one of several exceptions to the warrant requirement contained in current law.
3. At the same time, the officer will inform the suspect of the administrative penalties for failing to cooperate.
4. If the defendant still refuses to provide a sample, evidence of the suspect's refusal to cooperate can be used against the suspect in court, though not evidence of the suspect's initial refusal to give consent.

❖ BEHAVIORAL HEALTH ISSUES - CIVIL COMMITMENT

SB 24 – Modification Process to Determine Persons Fitness to Participate in Own Defense

Effective Date: July 15, 2019	2019 Oregon Laws Site: Chapter 538
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SB 24 includes the following key provisions:

- Permits the court to consult with the local community mental health program and entities responsible for supervision to determine whether the defendant can safely be restored to fitness in the community.
- Limits the duration that a hospital can retain custody of an individual to the time necessary to complete the examination, which may include observation but may not exceed 30 days.
- Modifies the process for returning a defendant to a facility or state hospital upon conclusion of examination.
- Requires the examiner performing a fitness to proceed examination to include a determination

as to whether a hospital level of care is required due to the defendant's dangerousness or acuity of symptoms.

- Requires examiner to provide a copy of the examination to the appropriate community mental health program.
- Requires the court to determine whether services and supervision necessary to safely allow the defendant to gain fitness to proceed are available in the community.
- Requires results of the community mental health provider evaluation to be provided to the court for consideration.
- Prohibits the commitment of violators and only permits the placement of misdemeanants when a hospital level of care is deemed necessary by an evaluator or community mental health program.
- Requires the court and parties, upon receipt of the consultation report, to consider and pursue a disposition consistent with the release criteria that is the least restrictive and best serves the needs of the defendant and the interest of justice.
- Permits the court to order status reports for defendants engaged in community restoration.
- Requires the community mental health program to provide the court with notice when the defendant regains fitness.
- Requires consultation with the community mental health program when the state hospital or other facility determines that an individual no longer needs to be committed and requires the community mental health director to report the results of the consultation within 5 days.
- Specifies the court procedures for ordering continued commitment and requires that the court hold a hearing within 10 days of receiving the CMPH consultation.
- Protects the confidentiality of fitness to proceed examination and mental defense reports with specific exceptions.
- Requires review hearings where the court must consider alternative placements and dispositions at seven day intervals for any individual found to be unfit and placed in custody while awaiting services at the state hospital or in the community.

SB 25 – Requirement to Provide Mental Health Records for Fitness to Proceed Exams

Effective Date: June 11th, 2019	2019 Oregon Laws Site: Chapter 311
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SB 25 includes the following key provisions:

- Instructs all public bodies and private medical providers, in possession of mental health records concerning a defendant, to release those records to the Oregon State Hospital (OSH) or other facility designated to conduct a fitness to proceed examination within five days of the court order.
- Provides that Oregon Youth Authority, the Department of Corrections, and schools have 15 days to provide records.
- Allows OSH to file forensic evaluations regarding fitness to proceed and mental defense via the

Judicial Department's electronic filing system.

- Requires court ordering rehabilitative services, other services, or supervision as the result of a fitness to proceed hearing, to provide that order to OSH or any entity ordered to provide services and supervision to restore fitness by the end of the next business day.
- Requires copies of a fitness to proceed evaluation be provided to the community mental health program director.
- Clarifies that timelines for court actions are based on judicial days, not business days.
- Protects the confidentiality of examinations with specific exceptions.

SB 297 – Emergency Commitment of Individuals in Indian Country

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 247
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SB 297 includes the following key provisions:

- Permits judges of federally recognized Indian tribes in Oregon to initiate commitment procedures under ORS 426.070.
- Expands the application of the statute permitting emergency commitment of individuals in Indian country to all federally recognized Indian tribes in Oregon.

SB 375 – Notification Requirements Prior to Defendants Plea of Guilty Except for Insanity

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 329
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SB 375 includes the following key provisions:

- Requires the court to inform a defendant pleading guilty, except for insanity, that the court may order discharge and the maximum period of commitment or the length of conditional discharge it may order.
- Consolidates the requirement that the court must issue a judgement and an order when finding a defendant guilty, except for insanity.

SB 973 – IMPACT Grant Program- Access to Community-based Treatment, Support/ Services

Effective Date: July 15th, 2019	2019 Oregon Laws Site: Chapter 563
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Senate Bill 973 establishes the Improving People's Access to Community-based Treatment, Supports and Services Program (IMPACT) within CJC. The purpose of this program is to provide grants to counties, Oregon's federally-recognized tribal nations, and regional consortiums to strengthen supports and services for people with serious mental illness and substance addictions with the aim of reducing arrests, incarcerations, emergency room visits, and State Hospital admissions. SB 973 includes the following additional provisions:

- Establishes "The Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee" within the Criminal Justice Commission (CJC).

- Tasks the Committee with adopting rules to identify the target population, prescribe grant review and approval methodology, establish a process for evaluating programs, identify criteria for alternative grant fund usage, and specify outcome requirements.
- Directs the 19-member committee to appoint a Quality Improvement Subcommittee responsible for determining the data content and format, defining documentation and information required for outcome measures and evaluation tools, and developing public access options.
- Authorizes the Committee and Oregon Health Authority (OHA) to work together to find ways to incentivize coordinated care organizations to provide comprehensive community supports and services. Directs the Committee to evaluate and assess the program and report costs and outcome measures to the interim committees of the Legislature related to health and the judiciary and to the Governor no later than January 1 of each odd-numbered year.
- Appropriates \$639,462 in funding to the CJC for the establishment of three permanent positions (2.38 FTE).
- Appropriates \$10,000,000 in one-time funding for deposit in the Improving People's Access to Community-based Treatment, Supports and Services Account for grant awards and related activities. Requires that three percent of the \$10,000,000, or \$300,000, must be used for research and spent as professional Services for contracted work.

❖ BICYCLE – MOTORCYCLE - MOPED

HB 2682 – Bicycle Lane Continuation through an Intersection Clarification

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 120
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HB 2682 specifies that a bicycle lane is considered to exist within an intersection if lane is marked on opposite sides of intersection in same lane of travel.

SB 810 – Moped and Motorcycle Riders added as Vulnerable Users of a Public Way

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: 349
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SB 810 adds moped and motorcycle riders to the list of vulnerable users of a public way. ORS 801.608 establishes a list of individuals who are considered to be vulnerable users of a public way. This list includes, among others, pedestrians, highway workers, bicyclists, and those operating farm equipment. There are two Oregon statutes that penalize harm specifically caused to vulnerable users of a public way. Under ORS 163.160(1)(c), a person commits assault in the fourth degree if that individual, while driving, causes serious physical injury to a vulnerable user while acting with criminal negligence. Meanwhile, ORS 811.135(3)(a-b) increases the penalty for persons convicted of careless driving that seriously injures or kills a vulnerable user. This measure takes effect on January 1st, 2020 (2019 Oregon Laws, Chapter 349).

SB 998 – Bicycle “Idaho Stop” Legislation

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 683
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SB 998 includes the following key provisions:

- Provides that a bicyclist approaching an intersection with a stop sign or flashing red light may proceed through the intersection or make a turn without stopping.
- Creates a new traffic violation of improper entry into an intersection controlled by a stop sign, or a flashing red light.
- Specifies that a violation occurs when a bicyclist fails to yield to traffic within the intersection, fails to yield to traffic so close as to constitute an immediate hazard, disobeys a police officer or flagger, fails to exercise care to avoid an accident, or fails to yield the right of way to a pedestrian.
- Makes violations Class D traffic violation.

BUDGET HIGHLIGHTS

SB 5504 – Oregon Department of Corrections

With the exception of the decision by legislative budget leaders to completely disregard the 2018 Community Corrections cost study, the overall budget for the Department of Corrections was positive. Here are some of the key funding provisions:

Grant in Aid Funding

- Funded at Baseline level of \$268 million.
- No portion of the Cost Study was funded (\$50 million)

M57 was fully funded at \$11.2 million

DUII Reimbursements to Sheriffs – SB 395 Funding

- Agency Request: \$5,568,286
- Legislatively Adopted Budget: \$3,568,286 (\$2 million cut)
- Past biennia the full pot was not used, however we’ve been inching closer each biennium.
- Ways and Means will appropriate additional funds to insure all reimbursements are covered if the legislatively appropriated amount is insufficient. Note: It will be important for Sheriffs to send their invoices in immediately to insure that the biennial usage is established to ensure payment.

HB2712 Criminal Fines/Fees

- Agency Request: \$4,585,442
- SB 5504 eliminated entire pot
- SB 5050 restored at the amount of \$4,720,195
- Now requires Counties to report out on how money is spent and population served
- DOC (my shop) will develop a reporting process for Counties in near future

Other Significant DOC packages

- Electronic Health Records: \$1.5 million
- Deferred Maintenance: \$12 million
- 40 Hospital Security Watch Positions: \$7.9 million
- Facility Capital Renewal, Upgraded radio system, and Cameras: \$47 million
- IT upgrade (important for Parole Officers): \$1.6 million

SB 5506 – Oregon Criminal Justice Commission

The Oregon Criminal Justice Commission budget included full funding of the Justice Reinvestment program and funding to take on the responsibilities of the Law Enforcement Contacts and Data Review Committee. As a relatively small budget, the highlights include the following appropriations:

- Justice Reinvestment Initiative Funding: \$50 Million
- Specialty Courts: \$19 Million
- IMACTS: \$10M
- Agency Operations and Various smaller grants and research: \$11M

SB 5530 – Oregon State Police

The 2019-21 legislatively adopted budget (all funds) for the Oregon State Police was \$28.7 million more than the 2017-19 Current Service Level (an increase of over 6%). This OSP budget represents the best outcome in more than two decades. The budget includes the following key investments:

- Adds 39 additional positions beyond what was approved in the 17-19 budget
- Addresses legacy budget shortfalls in every division through additional funding that will allow OSP to hire 30 trooper positions that were formerly held vacant to backfill support positions, equipment, and operational infrastructure without which OSP's programs are unable to function.
- Appropriates funds for Human ID & Medical Examiner staffing to add four permanent positions including two Deputy Medical Examiners, one halftime Laboratory Technician for the Central Point Medical Examiner's Office, and one Forensic Anthropologist.
- Appropriates \$2,626,579 to complete the third phase of a six-year plan to purchase an additional 100 patrol vehicles in order for every OSP patrol trooper to have his or her own vehicle. This 1:1 trooper-to-vehicle ratio reduces delays in response time and improves officer efficiency, particularly in rural areas of the state.
- Appropriates \$1,950,454 to fund five permanent full-time positions (5.00 FTE) for the Ignition Interlock Device (IID) Program that are fully supported by fee revenues authorized in House Bill 3005 (2019). The program (created by HB 2638 – passed in 2017) includes a certification program for IID service centers and technicians including certifications, inspections, criminal background checks for installers, and tracking and follow-up of negative IID reports.
- Appropriates \$2,389,141 to fund five positions (1 Sgt, 4 Troopers) for an Anti-Poaching Initiative (partnering with Oregon Dept. of Fish & Wildlife) to ensure compliance with laws and

regulations protecting and enhancing the long-term health and equitable use of Oregon's fish & wildlife resources and habitats.

- Appropriates \$4,153,056 for the State Radio System (SRS) for on-going maintenance and capital replacement of the SRS "backbone" infrastructure.
- Appropriates \$2,536,104 to replace mobile data terminals and in-car video systems in patrol vehicles which are beyond useful life and have outdated software.
- Appropriates additional funding to the Office of State Fire Marshal for purchase of emergency response vehicles and equipment replacements in the 2019-21 biennium for the Regional Hazardous Materials Emergency Response Teams located throughout the state.

SB 5533 – Oregon Department of Public Safety Standards and Training

The final adopted budget for DPSST was solid and followed the pattern of the last few legislative sessions with cuts to basic courses that the legislature restores as additional classes are needed. As the agency anticipates hundreds of retirements of seasoned professionals around the state over the next three years, the need to restore these classes and positions is likely. This is preferable to the previous practice of across the board cuts to the agency that resulted in disruption to the operation of the agency. The adopted DPSST budget includes the following highlights

- Reduced the number of Basic Police classes by four classes and eight corresponding positions (PSTS1) who would have delivered those classes (leaves 16 basic police classes instead of 20). Ways & Means advised DPSST to return to request additional basic classes and funding for necessary positions (FTE) if they are needed.
- Included a reduction of 2.3 million in one-time funds that were accrued over time that could not be expended.
- Established new training positions in Private Security as permanent positions
- Added two positions (PSTS2) for implementation of the HB 2355 STOP Program. Ways & Means acknowledges that DPSST will return to request the additional FTE (4 positions) in the 2021-2023 session as the STOP Program comes into maturity.
- Approved the reclassification of positions in work out of class (WOC) status
- Added \$436,000 to address deferred maintenance needs at the academy as identified in the Phase 1 and Phase 2 plan.

SB 5541 – Oregon Youth Authority

Based on the level of funding that was included in the Governor's recommended budget, OYA was facing the prospect of reducing staff and closing field offices or a facility. In the end, the final budget adopted budget avoided these cuts and actually made critical investments in OYA. The adopted OYA budget includes the following highlights:

- Established over 30 positions in facilities as permanent that were previously funded as temporary positions and added key support positions including a supervising psychologist and additional staffing for youth dental care.
- Reduced funding for unused residential beds, but grants OYA with flexibility to add capacity for community residential beds should the demand increase. As a result, the spending plan matches

actual needs more closely.

- Funds the launch of the modernization of the Juvenile Justice Information System (JJIS).
- Continues funding levels for county juvenile departments and underwrites OYA's vocational and educational services at the same rate as K-12.
- Includes funding for facility investments including control room renovations at Eastern Oregon, Oak Creek, and Rogue Valley Youth Correctional Facilities; renovations and expansion of the MacLaren infirmary and pharmacy; medical and dental renovations at Oak Creek and Tillamook Youth Correctional Facilities; and electronic security improvements across all facilities.

CORRECTIONS – JAILS - PAROLE & PROBATION

HB 2230 – Nursing Staff Overtime in Correctional Facilities

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 582
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HB 2230 provides specific restrictions on the amount of mandatory overtime nursing staff at the Department of Corrections facilities required to work. The measure:

- Allows a correctional facility to require nursing staff to work up to four additional hours post-shift in specified circumstances and permits mandatory overtime when there is a specific emergency
- Permits mandatory overtime when there is a specified emergency.
- Exempts Community Corrections

HB 2515 – Requirement to Provide Sanitary Products in Correctional Facilities at No Cost

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 489
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HB 2515 requires each local, regional, youth and Department of Corrections correctional facilities/institutions to make available tampons, sanitary pads, postpartum pads and panty liners at no cost to all prisoners for use in connection with vaginal discharge. The measure requires facilities to maintain a sufficient supply, which shall be stored, dispensed and disposed of in a sanitary manner. The supply of products available shall include at least the following:

1. Regular absorbent and super absorbent tampons;
2. Regular absorbent and super absorbent sanitary pads
3. Postpartum pads; and
4. Regular absorbent panty liners.

HB 2631 – Coffee Creek Correctional Facility Legal Services Pilot Program for Women

Effective Date: June 25th, 2019	2019 Oregon Laws Site: Chapter 481
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HB 2631 includes the following key provisions:

- Directs the Department of Corrections, in cooperation with the Criminal Justice Commission, to establish a pilot program at Coffee Creek Correctional Facility to address legal issues related to community reentry and reintegration, including employment, housing, benefits, and domestic violence.
- Requires the Criminal Justice Commission to grant the Oregon Justice Resource Center the funds necessary to hire and support three attorneys for the pilot program.
- Instructs the Department of Corrections and Criminal Justice Commission to evaluate the pilot program and report the results to an interim committee of the legislature by September 15, 2021.
- Appropriates \$800,000 to the Criminal Justice Commission for the purpose of carrying out the requirements of the pilot program.
- Sunsets the pilot program on December 31, 2021.

HB 3146 – Terminology Change from “Inmate” to “Adult in Custody”

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 213
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HB 3146 replaces the term "inmate" with "adult in custody" throughout the Oregon Criminal Code.

HB 3249 – Right to Privately Communicate with Legal Counsel

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 169
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HB 3249 includes the following provisions:

- Establishes that a client has a right to privately communicate with the client’s lawyer and representatives of the lawyer.
- Defines representative of the lawyer.
- Provides that evidence derived from a confidential communication that is privileged under ORS 40.225, between a client and the client’s lawyer or a representative of the lawyer, is inadmissible in any proceeding to which the client is a party if the confidential communication was obtained or disclosed without the consent of the client.
- Note: Original provision in the bill requiring jails to keep a separate confidential log for the legal team for a client was removed from the measure.

HB 3289 – Jail Data Study Legislation

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 147
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HB 3249 includes the following provisions:

- Instructs the Oregon Criminal Justice Commission (CJC) to conduct a study on data, data collection practices, and data availability at local and regional correctional facilities in each county.
- Instructs the CJC to study the manner, means, costs, and barriers to health care at local and regional correctional facilities across the state.
- Directs the CJC to obtain and analyze the standards, policies, and procedures used by local and regional correctional facilities in order to determine whether they adequately protect the Constitutional rights of prisoners and follow national best practices.
- Instructs the CJC to convene an advisory council for the study that includes representatives from a sheriff's organization, a district attorneys association, a criminal defense association, a civil rights and civil liberties organization, a disability rights organization, the Oregon Health Authority, the Department of Justice, a member of the House of Representatives, a member of the Senate and a representative from the Governor's office.
- Requires the local and regional correction facilities to submit primary, unprocessed data and other information and documentation to CJC by January 1, 2020.
- Requires the CJC to report the findings of the study to the Legislature by September 15, 2020.
- Sunsets the study on January 2, 2021.
- Repeals the requirement that sheriffs receive and keep any federal prisoner and repeals payment by the United States to the sheriff for the keeping and support of federal prisoners.

SB 269 – DOC Requirement to Provide PREA Audit Report to Legislative Assembly

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 323
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SB 269 Requires the Oregon Department of Corrections to complete an audit of a correctional facility for women, prepare a final audit report as prescribed by the Prison Rape Elimination Act of 2003 and provide the final report to the committees or interim committees of the Legislative Assembly related to the judiciary no later than the following February 1.

SB 488 – DOC Requirement to Offer Immunizations against Influenza to each Inmate.

Effective Date: July 15th, 2019	2019 Oregon Laws Site: Chapter 550
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SB 488 includes the following key provisions:

- Requires the Oregon Department of Corrections (DOC) to offer each inmate in the physical

custody of the department immunization against the influenza virus at no charge to the inmate in accordance with medically accepted standards for timing and administration of immunization against the influenza virus.

- Requires DOC to offer the immunization yearly.
- Requires the department to schedule an appointment to receive an immunization against the influenza virus unless the inmate declines the immunization in writing. Allows an inmate to decline to receive the immunization at any time, including at the appointment.
- Appropriates \$114,182 to cover the cost of providing immunizations.
- Exempts County Jails and Regional Correctional Facilities.

SB 495 – Use of Canines in Correctional Facilities – Prohibits Use of Canines for Jail Extraction

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 333
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SB 495 includes the following provisions:

- Prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from a cell.
- Specifies that the measure does not affect the facilities' ability to use canines for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing an immediate health or safety risk.
- Specifies that the measure does not prevent the use of dogs as part of a training program or for purposes related to rehabilitation, treatment, vocational education, and skill-building of inmates.

SB 498 – Inmate Telephone Services Contract Requirements

Effective Date: July 1, 2019	2019 Oregon Laws Site: Chapter 335
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SB 498 includes the following provisions related to inmate telephone service contracts:

- Prohibits the Department of Corrections (DOC) from entering into contracts with telephone service providers in which DOC receives a fee or commission.
- Allows contracts with telephone service providers that include reimbursements to DOC for internal and external oversight and management costs or payment to a third-party provider.
- Limits the fee or commission that an inmate telephone service provider may provide to a local or regional correctional facility to five cents per minute or less for completed calls, or another amount authorized by the Public Utility Commission (PUC) by rule.
- Requires all fees or commissions received by a local or regional correctional facility, city, or county from an inmate telephone service provider to be deposited into an Inmate Welfare Fund Account and allows funds to be expended only for inmate welfare, including items or programs that enhance the lives of inmates.

- Forbids the use of the Inmate Welfare Fund for inmate meals, clothing, or medical care; staff clothing or equipment; and facility maintenance or staff salaries.
- Requires any facility, city, or county that receives funds to provide a publicly available quarterly report.
- Authorizes the PUC to adopt rules to carry out the provisions of the measure.
- Requires local or regional correctional facilities, cities, or counties that issue a request for proposals to procure inmate telephone services to consider call quality and to weigh the call quality as 35 percent of the final evaluation.
- Requires monthly reports to the facility, city, or county from any inmate telephone service provider with which a local or regional correctional facility contracts.
- Sets per-minute rate limits for local and regional corrections facilities based on facilities with less than 350 beds, 350-1,000 beds and facilities with more than 1,000 beds as follows:
 - For local or regional correctional facilities with less than 350 beds:
 - \$0.21 per minute for prepaid intrastate and interstate calls.
 - \$0.25 per minute for collect intrastate and interstate calls.
 - \$0.50 per minute for international calls to Mexico or Canada.
 - \$0.67 per minute for all other international calls.
 - For facilities with at least 350 beds but less than 1,000 beds:
 - \$0.19 per minute for prepaid intrastate and interstate calls.
 - \$0.23 per minute for collect intrastate and interstate calls.
 - \$0.50 per minute for international calls to Mexico or Canada.
 - \$0.67 per minute for all other international calls.
 - For facilities with at least 1,000 beds:
 - \$0.17 per minute for prepaid intrastate and interstate calls.
 - \$0.21 per minute for collect intrastate and interstate calls.
 - \$0.50 per minute for international calls to Mexico or Canada.
 - \$0.67 per minute for all other international calls.
- Limits the type and cost of fees an inmate telephone service provider can collect to:
 - The per minute rate limits established by the measure.
 - \$2.00 per paper copy of a billing statement
 - \$1.50 fee for electronic deposits of less than \$25.00
 - \$3.00 fee for electronic deposits of more than \$25.00
 - \$5.95 fee for deposits facilitated by a live operator.
- Applies to contracts entered into, extended or renegotiated on or after the effective date of the measure.

SB 980 – Inmate Fund Procedures for Court-Ordered Financial Obligations

Effective Date: July 1st, 2021	2019 Oregon Laws Site: Chapter 474
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SB 980 includes the following key provisions:

- Directs the Oregon Judicial Department (OJD) to provide an accounting to the Department of Corrections (DOC) for court-ordered financial obligations.
- Directs the Department of Justice (DOJ) to provide an accounting of court-ordered financial

obligations in which it is a judgment debtor.

- Allows money held in an inmate's transitional fund to be subject to garnishment from civil judgments, including a money award in which DOJ is a judgment creditor.
- Adds a Level IV obligation and allows judgments of a crime victim entered against an inmate, resulting from a crime committed by the inmate in which DOJ is a judgment creditor, to be classified as Level II obligations.
- Clarifies which judgments each agency is obligated to provide to the Department of Corrections.

❖ CRIMES AND VIOLATIONS

HB 3035 – Wildlife Laws – Increased Penalties

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 274
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HB 3035 includes the following key provisions:

- Increases the maximum penalty to a Class A violation (punishable by a fine up to \$2,000), for violation of laws committed without culpable mental state including: hunting from a motor-propelled vehicle; hunting with artificial light; or shining artificial light on game mammals, predatory animal, or livestock while in or near a motor vehicle and while in possession of weapon.
- Establishes that a violation of the provision of wildlife laws, or rule adopted pursuant to a wildlife law, is a Class C felony, punishable by five years' incarceration, \$125,000 fine, or both, if offense is committed intentionally, knowingly, or recklessly, and involves:
 - Unlawful taking with the intent to sell, barter, trade, import, export, or otherwise exchange wildlife or part of wildlife.
 - Second and subsequent unlawful takings of a game mammal during a 12-month period, except a silver- gray squirrel.
 - Unlawful taking of moose, mountain sheep, Rocky Mountain goat, or wolf.
 - Third and subsequent takings of game fish in excess of bag limit during a 12-month period.
 - Second and subsequent takings of a nonadipose clipped steelhead during a 12-month period.
 - Unlawful taking of members of the Acipenseridae family.
 - Unlawful taking of threatened or endangered species.
- Requires that the Oregon Fish and Wildlife Commission include taking while in violation of criminal trespass laws in the program, which encourages persons to report violations of the wildlife laws.

SB 509 – Repeal of Crime of Unlawfully Transporting Hay

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 80
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SB 509 repeals the crime of unlawfully transporting hay (ORS 164.815).

SB 577 – Hate Crimes Omnibus Legislation

Effective Date: July 15th, 2019	2019 Oregon Laws Site: Chapter 553
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SB 577 includes the following key provisions:

- Renames the crime of intimidation to “bias crime”
- Adds gender identity to the list of the perceived characteristics of a person against whom intimidation can be committed and defines "gender identity" as an individual’s gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.
- Defines both “bias crime” and “bias incident” as:
 - “Bias crime” means the commission, attempted commission or alleged commission of an offense described in ORS 166.155 or 166.165.
 - “Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. “Bias incident” does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer.
- Establishes that a bias crime in the first degree can be committed by an individual and does not require the involvement of “two or more” people acting together.
- Requires the Oregon District Attorneys Association (ODAA) and Oregon State Police (OSP) to develop and implement a standardized method to record data relating to investigations, arrests, prosecutions, and sentencing of crimes motivated in whole or in part by the bias of a person.
- Changes the data elements that law enforcement agencies are required to collect and report to the Oregon State Police related to bias crimes (formerly the crime of intimidation) by adding “gender identity” to the list of characteristics and by removing the requirement to collect and report data related to marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship.
- Establishes a "hate crimes hotline" operated by the Department of Justice (DOJ) that is dedicated to assisting the victims of bias crimes and bias incidents.
- Requires the Oregon Department of Justice (DOJ) to forward data collected in connection with the “hate crimes hotline” to the Criminal Justice Commission (CJC) quarterly.
- Directs DOJ to identify and designate victim services in local jurisdictions that are appropriate for victim referral by law enforcement.
- Directs DOJ to create the position of Hate Crimes Coordinator to respond to hotline referrals and requires the coordinator to:
 - Respond to all reports of bias crimes and bias incidents made to the hate crimes hotline.
 - Provide assistance to victims of bias crimes and bias incidents that is culturally competent and designed to reduce the effects of trauma, prevent further trauma and reach a diverse community.
 - Assist with safety planning for victims of bias crimes and bias incidents.
 - Coordinate with local nongovernmental organizations and service providers in assisting

- victims of bias crimes and bias incidents.
 - Develop training for nongovernmental organizations and service providers to standardize methods for assisting victims of bias crimes and bias incidents.
- Requires law enforcement agencies that respond to a report of a bias incident to refer the victim to qualifying local victims' services or to the hate crimes hotline when local victim services are not available.
- Directs the CJC to collect, record, and study data provided by required entities relating to bias-motivated crimes, limits use of the data to statistical purposes only and exempts data from public disclosure that directly identifies any individual involved in a bias crime.
- Requires the CJC to report its findings to the Oregon Legislative Assembly no later than July 1, 2021. Declares emergency, effective on passage.

SB 581 – Increased Penalties for Unmanned Aircraft System (UAS) Interference with Aircraft

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 337
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SB 581 includes the following key provisions:

- Specifies that any conviction for knowingly or intentionally causing an unmanned aircraft system (UAS) to direct a laser at an aircraft while the aircraft is in the air, crash into an aircraft while the aircraft is in the air, or prevent the takeoff or landing of an aircraft is a Class A misdemeanor.
- Elevates a second or subsequent conviction for recklessly controlling an unmanned aircraft system in such a manner from a Class A violation to a Class A misdemeanor.
- Directs the court to declare the UAS used in an offense to be contraband and order the UAS to be forfeited upon a person's second or subsequent conviction.
- Requires an education institution (education service district, school district, public charter school, community college or public university) to register as a user of Unmanned Aircraft Systems with the Oregon Department of Aviation prior to operating an UAS in the airspace over the State of Oregon.
- Specifies that the Department of Aviation may not require registration of individual UAS by a registered educational institute.

❖ DOMESTIC VIOLENCE

HB 3117 – Family Abuse Prevention Act Modification

Effective Date: May 22nd, 2019	2019 Oregon Laws Site: Chapter 144
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HB 3117 includes the following key provisions:

- Removes the requirement that the court must find imminent danger of further abuse in order to continue a Family Abuse Protection Act (FAPA) under ORS 107.718.
- States that a court may continue any order issued under ORS 107.718 if the court finds that:
 - the abuse has occurred within 180 days;

- the petitioner reasonably fears for the petitioner’s physical safety; and
- the respondent represents a credible threat to the physical safety of the petitioner or the petitioner’s child.
- Provisions apply to orders issued on or after the effective date of the measure (May 22, 2019) that arise from abuse occurring before, on or after the effective date.

DRUG POLICY

HB 2257 – Substance Use Disorder Definition & Policy Changes

Effective Date: July 23, 2019	2019 Oregon Laws Site: Chapter 583
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HB 2257 includes the following key provisions:

- Declares that substance use disorders (SUD) are chronic illnesses.
- Requires the Department of Corrections to study and report on SUD treatment options for individuals in custody by July 1, 2020.
- Directs the Oregon Health Authority (OHA) to convene an advisory group to study accreditation standards for SUD treatment programs.
- Directs OHA to implement accreditation requirements by January 2, 2021.
- Requires OHA to report annually to the Legislative Assembly on the pilot program; sunsets pilot program January 2, 2022.
- Prohibits publicly funded health coverage programs from requiring prior authorization during the first 30 days of SUD treatment.
- Modifies requirements around the state regarding the prescription drug monitoring program (PDMP) by adding gabapentin to the list of reported drugs; adding dental directors to the list of providers able to access the PDMP; requiring pharmacies to report clinical diagnoses made by medical professionals and reasons for prescriptions within 72 hours of dispensing a drug; and allowing the PDMP subcommittee to evaluate prescribing patterns.
- Defines “syringe service program” and excludes sterile needles and syringes in possession of employees or volunteers from definition of drug paraphernalia for criminal purposes.

HB 3067 - Annual Certification of Local Ordinances Prohibiting Marijuana Businesses

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 599
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HB 3067 requires cities and counties to annually certify if they have an ordinance prohibiting the establishment of recreational marijuana businesses, rather than quarterly, for purposes of eligibility for sharing of state retail marijuana tax distributions. The measure requires notice to the Oregon Liquor Control Commission, Oregon Health Authority, and Department when city or county repeals an ordinance that prohibits certain marijuana businesses. Further the measure allows for recovery of payments of marijuana tax distributions made in error.

HB 3200 - Marijuana Production Licenses/Grow Site Registrations for Non-owned Premises

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 145
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HB 3200 includes the following provisions:

- Requires an applicant for a recreational marijuana production license, who does not own the premises where marijuana will be produced, to submit a signed informed consent from the owner of premises to the Oregon Liquor Control Commission (OLCC).
- Requires the applicant for a medical marijuana grow site registration who does not own premises of the grow site to submit a signed informed consent from the owner of the premises to the Oregon Health Authority (OHA).
- Applies to applications for initial and renewed licenses and registrations received by OLCC and OHA beginning on January 1, 2020.

HB 3273 – Drug Takeback Program Legislation

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 659
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HB 3273 includes the following key provisions:

- Defines the authorized collector, biologics, covered drugs (both prescription and nonprescription drugs, brand, and generic), covered entity, covered manufacturer, drop-off site, and drug take-back organization, among other key terms.
- Specifies that covered drugs do not include vitamins, supplements, or homeopathic drugs or products, drugs administered in a clinical setting, exposed sharps, certain medical devices, or biologics.
- Requires manufacturers of certain drugs to participate in the drug take-back program unless they manufacture drugs for fewer than 50 patients in the state.
- Authorizes the State Board of Pharmacy to assess fines of up to \$10,000 each day a covered manufacturer does not participate in the drug take-back program.
- Specifies that the take-back program operator must be organized as a 501(c)(3) entity.
- Requires each take-back program operator to submit a plan to the Department of Environmental Quality (DEQ) for approval for collection and disposal of drugs.
- Directs DEQ to review, approve, or deny plans submitted; updated plans need to be submitted to DEQ every four years.
- Requires program operators to seek preapproval to substantively change a drug take-back program no later than 30 days before the change is to occur; defines substantively.
- Establishes criteria for authorized collectors, drop-off sites, covered drug collection events, and disposal of covered drugs.
- Requires program operators to promote and provide public outreach and education about safe disposal of drugs.
- Requires program operators to submit annual report to DEQ on the development, implementation, and operation of drug take-back program; specifies reporting requirements.

Requires covered manufacturers to pay all program costs.

- Allows DEQ to enter into an agreement with the Board of Pharmacy to inspect the drop-off sites, provides DEQ with enforcement authority, and establishes fees to pay for program administration.
- Establishes the Secure Drug Take-Back Account.
- Prohibits specified organizations from criminal or civil liability for complying with program requirements, and exempts program operators from state antitrust laws.
- Establishes confidentiality of information or data DEQ receives from covered manufacturers, exempts applicability of Uniform Controlled Substances Act, and creates a moratorium on cities and counties (with the exception of law enforcement groups) from forming their own drug take-back program.
- Allows DEQ to enter into interagency agreement with other state agencies, authorizes DEQ to adopt rules to administer the program, and requires DEQ to submit a report to the Legislative Assembly no later than July 1, 2023.
- Sunsets the program September 15, 2031.

SB 218 – OLCC Limited Authority to Refuse to Issue Marijuana Production Licenses

Effective Date: June 17th, 2019	2019 Oregon Laws Site: Chapter 419
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SB 218 includes the following provisions:

- Authorizes the Oregon Liquor Control Commission to refuse to issue initial marijuana production licenses based on the supply of and demand for marijuana.
- Requires the Commission to process marijuana production license applications received on or before June 15, 2018 and that have submitted a land use compatibility statement within 21 days of the effective date of the measure.
- Allows the Commission to inactivate applications if the land use compatibility statement is not submitted in timely manner or if the application was received after June 15, 2018.
- Prohibits applicants from changing the application location or making a change of ownership of 51 percent or more.
- Requires the Commission to adopt rules to implement the measure, including timelines for the completion of applications.
- Requires the Commission to study the effects of the measure on marijuana industry and report annually to the Legislative Assembly.
- Sunsets the law on January 2, 2022.

SB 420 – Marijuana Conviction Set-Aside Application

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 459
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SB 420 establishes procedures for persons with qualifying marijuana convictions to file a motion requesting that the court enter an order setting aside a conviction. The measure includes the following:

- Allows a person to apply to the court to set aside convictions for marijuana possession, delivery, and manufacture if the conduct upon which the conviction was based is no longer a crime.
- Defines a “qualifying marijuana conviction as a conviction for a marijuana offense:
 - Based on conduct described in ORS 475B.301 or possession of less than one ounce of the dried leaves, stems or flowers of marijuana;
 - Committed prior to July 1, 2015; and
 - For which the person has completed and fully complied with or performed the sentence of the court.
- Exempts a person that applies for a set-aside from filing fees, providing fingerprints or undergoing a background check.
- Requires a person filing a motion to serve a copy of the motion to the office of the prosecuting attorney in the jurisdiction where the conviction was entered.
- Provides the prosecuting attorney an opportunity to contest the motion within 30 days of the date the motion is filed and only on the basis that the person’s conviction is not a qualifying marijuana conviction. If the prosecuting attorney contests the motion, the person seeking the set-aside has the burden of proving that the conviction is “qualifying” by a preponderance of the evidence.
- Requires the court to seal records of set-aside convictions and to provide notice to the Department of Corrections and other agencies as ordered by the court.

SB 582 – Agreements for Transportation and Delivery of Marijuana across State Lines

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 464
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SB 582 includes the following key provisions:

- Authorizes the Governor to make agreements regarding the coordination and enforcement of licensed marijuana-related businesses with other states.
- Allows the transportation and delivery of marijuana across state lines by marijuana producers, wholesalers, and researchers as authorized by agreement.
- Requires agreements to include enforceable public health, safety, and labeling standards and a system to regulate and track marijuana items.
- Requires items delivered to Oregon to be tested, packaged, and labeled in compliance with current state law.
- Provides that agreements may be made only after federal law allows interstate transfer of marijuana or United States Department of Justice issues opinion or memorandum, stating that Department will allow or tolerate the interstate transfer of marijuana.

SB 665 – Administration of Naloxone on School Premises

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 375
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SB 665 includes the following key provisions:

- Adds naloxone to the definition of "medication" for purposes of administering medicine to students and other individuals on school premises.
- School premises includes at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the school district.
- Directs the State Board of Education to adopt rules for administration of naloxone on school premises to reverse opioid overdoses.
- Permits school districts to adopt policies for administering medications if policies are consistent with State Board of Education rules.
- Provides immunity from criminal actions or civil damages related to good faith, proper administration of naloxone.

SB 910 – Opioid Prescription Dose Limits and Naloxone

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 470
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- Requires retail and hospital outpatient pharmacies to provide written notice that naloxone and necessary supplies are available at the pharmacy.
- Allows pharmacies, health care professionals, and pharmacists to distribute multiple naloxone kits to social service agencies and other people, who work with individuals who have experienced an opiate overdose, for redistribution to individuals, or family members of individuals, likely to experience an opiate overdose.
- Allows pharmacists to offer to prescribe and provide naloxone kits when dispensing an opiate or opioid prescription and allows State Board of Pharmacy to establish the appropriate dose that a pharmacist may prescribe through an agency rulemaking process.
- Removes the requirement that parole and probation officers approve requests for use of synthetic opiates for persons in drug treatment programs.
- Allows counties and local public health authorities to waive methadone clinic siting restrictions to the extent necessary to remove unreasonable barriers to accessing medically necessary treatment.
- Allows the Oregon Health Authority (OHA) to identify other drugs for inclusion in the prescription drug monitoring program (PDMP) by rule.
- Authorizes OHA to review the prescription monitoring information of an individual who dies from a drug overdose.
- Prohibits OHA from disclosing the identity of recipients of naloxone prescriptions.

SB 975 – Marijuana Offense Classification Reduction

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 473
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SB 975 includes the following key provisions:

- Allows an individual convicted of a marijuana offense to request a reduction of offense classification if the crime has since been reduced from a felony to a misdemeanor, reduced from a felony to a violation, reduced from a higher-level felony to a lower-level felony, or reduced from a higher-level misdemeanor to a lower-level misdemeanor and the individual has completed their sentence.
- Provides that the person requesting a reduction is not required to pay otherwise applicable fees.
- Ensures that the prosecuting attorney has notice and opportunity to object to the reduction.
- Directs the court to amend the original judgment if deemed appropriate.

EMERGENCY COMMUNICATIONS/PREPAREDNESS

HB 2206 – Post-Emergency Evaluation of Buildings for Occupancy

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 649
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HB 2206 includes the following key provisions:

- Directs the Office of the State Fire Marshal to administer a statewide program to evaluate the condition of buildings after an emergency and determine which buildings may be safely occupied.
- Directs the Office to work with local governments to designate local program coordinators to implement a program.
- Authorizes the Office to enter into mutual-aid agreements with other states.
- Grants rulemaking authority to administer and implement provisions of the measure.

HB 2449 – 911 Emergency Communications Tax Increase and Extension

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 653
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HB 2449 includes the following key provisions:

- Increases taxes for emergency communications in the following two steps:
 - Increase from .75 to \$1.00 for subscriber bills issued and retail transactions made on or after January 1, 2020
 - Increase from \$1:00 to \$1.25 for subscriber bills issued and retail transactions made on or after January 1, 2021.
- Limits the Department of Revenue allowable cost for administrating the program to an amount that does not exceed six-tenths of one percent of the amount in the account on the date of

distribution, or actual expenses incurred by the department, whichever is less.

- Reduces the Office of Emergency Management allowable cost for their part of administering the 911 program from 4% down to 2.5% effective January 1st, 2021.
- Extends the sunset on the tax from 2022 to 2030.
- Specifies that interest earned by the Emergency Communications Account must be credited to the 9-1-1 Subaccount.

HB 3376 – Tribal Access to Emergency Preparedness Grant Program

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 89
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HB 3376 Specifies that federally recognized Indian tribes in Oregon may apply for grants under the emergency preparedness grant program.

❖ EMPLOYMENT - LABOR RELATIONS - HUMAN RESOURCE ISSUES

HB 2005 – Paid Family Leave Legislation

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 700
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HB 2005 creates a paid family and medical leave insurance (FAMLI) program to be administered by the Oregon Employment Department (OED) to provide employees with compensated time off from work for the following purposes:

- To care for and bond with a child during the first year of the child’s birth or arrival through adoption or foster care;
- To provide care for a family member who has a serious health condition;
- To recover from their own serious health condition; and
- To take leave related to domestic violence, stalking, sexual assault, or harassment (safe leave).

HB 2005 provides a hard cap of 12 weeks of paid leave for family, medical or safe leave; employees with medical complications due to pregnancy and childbirth can take an additional 2 weeks of paid leave for a maximum of 14 weeks of paid leave. If an employee is currently eligible for OFLA (and the employer has more than 25 employees) the employee can access up to an additional 4-weeks of unpaid leave.

The cost of this program would be shared 60 percent by employees and 40 percent by employers, with a maximum payroll tax of 1%. Employers with fewer than 25 employees would not be required to contribute to the cost of the premium but could do so if they chose. Their employees would contribute and qualify for leave under the program.

Reaching agreement on this negotiated legislation was critical in order to avoid other options that

were on the table this year including 22 or 32 weeks as proposed by HB 3031 or a ballot measure that would have applied to any employer with at least one employee, would set the maximum leave at 32 weeks and would require job protection. Polling made it clear that the ballot measure would be impossible to defeat if it was on the ballot.

HB 2005 includes the following key provisions:

- Hard cap of 12 weeks paid leave with 2 additional weeks of paid leave for complicated medical pregnancy (for all employees regardless of the size of the business) plus 4 weeks unpaid leave (for employers with over 25 employees). *Other proposals were set at 22 or 32 weeks as proposed by HB 2005 and HB 3031*
- Must be employed for 90-days before job protections kick in – *Other proposals had no wait time.*
- 1% Premium split 60% worker and 40% employer – *Other proposals were split 50/50 or even 100% employer paid.*
- Employers with less than 25 employees don't pay the "employer premium" (40% of 1% of payroll). *Other proposals applied to any business with at least 1 employee.*
- Modified Job Protection language for small employers under 25 employees that allow the employer discretion if a job is no longer available by inserting "as determined by employer's business needs". For businesses over 25, the employer must return the worker to any available equivalent position.
- Statewide preemption on all paid family and medical leave related issues.
- Public employers are required to comply with the law but collective bargaining agreements do not require renegotiation or reopening prior to the term of the agreement in order to incorporate the paid family leave law.

Operative/Effective Dates:

- Rules will be established no later than September 1, 2021.
- Contributions will be collected beginning January 1, 2022.
- Employees have access to benefits beginning January 1, 2023.
- The measure takes effect on the 91st day after sine die, assumed to be October 1, 2019.

HB 2016 - Public Employee Collective Bargaining Act – Janus Decision Union Response

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 429
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HB 2016 makes the following changes to the Public Employee Collective Bargaining Act.

- Designated Representative Provisions:
 - Requires public employers to allow the employee who is the "designated representative" of the union to engage in specified activities during the employee's regularly scheduled work hours without loss of pay, seniority, or other benefits.
 - Requires the collective bargaining agreement to be reopened, upon request of the labor

- union, to negotiate terms and conditions for the designated representative's release time, which is a leave of absence to engage in labor union business.
 - Requires the labor union to reimburse the employer for compensation paid to the designated representative on the release time, unless otherwise agreed to.
 - Entitles the designated representative to receive the retirement credit for the release time and reinstatement to the same position at the same location.
- Access and Communication Provisions:
 - Requires the public employer to provide the exclusive representative reasonable access to employees within the bargaining unit.
 - Requires the employer to provide the exclusive representative with specified personal information about employees in the bargaining unit, including phone, address, title, and salary.
 - Allows the exclusive representative to use the employer's electronic mail system to communicate with employees in the unit.
 - Makes labor organization's access to and communication with represented employees a mandatory subject of bargaining.
 - Adds to the Legislative Assembly's policy statement on collective bargaining the importance of exclusive representative's direct access to and communication with represented employees.
- Dues and Fee Provisions:
 - Allows parties to agree to authorize the public employer to deduct union dues and fees from employee's pay.
 - Requires the labor organization to provide the employer with a list of employees who provided authorization for deductions.
 - Requires employer to deduct the amount authorized by employee and remit payments to the designated organization or entity.
 - Requires the labor organization to defend and indemnify the employer who relied on the list but made an unauthorized deduction.
 - Deletes the requirement that the employee must make a payment in lieu of dues to a charitable organization if employee does not associate with labor organization for religious reasons.
 - Deletes the requirement that the employer must deduct an amount from the employee's pay and remit to the labor organization in accordance with fair-share agreement.
- Unfair Labor Practices Provisions:
 - Makes it an unfair labor practice for a public employer to attempt to negatively influence an employee membership decision or encourage the employee to revoke union dues authorization.

HB 2341 – Pregnancy Accommodation Bill

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 139
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House Bill 2341 codifies the workplace protections for job applicants and workers who have limitations related to pregnancy, childbirth, or a related medical condition. Unless an undue hardship would result, employers with six or more employees must provide reasonable accommodations to known limitations

related to pregnancy, childbirth, or to other related medical conditions. The measure provides a private right of action for an employee or job applicant alleging violations. The Oregon Bureau of Labor and Industries is directed to develop training and education materials for employers and employees.

HB 2593 – Expression of Milk Legislation

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 118
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House Bill 2593 includes the following key provisions:

- Requires all employers to provide reasonable unpaid rest periods for employees to express milk, as often and as long as needed. This replaces the previous law that required employers to provide an employee a 30-minute rest period to express milk during each four-hour work period, or the major part of a four-hour work period, to be taken by the employee approximately in the middle of the work period.
- Applies to employees expressing milk for a child that is 18 months old or younger.
- Requires an employee to provide reasonable notice to the employer “when possible” that the employee intends to express milk upon returning to work after a child’s birth and clarifies that failure to provide notice is not grounds for discipline.
- Employers with 10 or fewer employees are not required to comply with the rest period to express milk if doing so would impose an undue hardship on the employer.
- Continues to require the employee, if feasible, to take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee.

HB 3009 - Union Fee Collection for Representation of Non-Members of Collective Bargaining

Effective Date: June 20, 2019	2019 Oregon Laws Site: Chapter 439
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HB 3009 makes the following changes to the Public Employee Collective Bargaining Act.

- Allows the labor organization to charge reasonable fees and costs to police officers, sheriffs (or deputy sheriffs) or university police for representing them in matters unrelated to negotiation of a collective bargaining agreement if an employee is not a member of the union and has not voluntarily entered into a fair-share agreement. Provides that this activity does not constitute an unfair labor practice.
- Applies to contracts and agreements entered into, renewed, or extended on or after effective date.

HB 3252 - Oregon State Police Supervisory Employee Definition

Effective Date: January 1, 2020	2019 Oregon Laws Site: Chapter 146
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HB 3252 includes the following key provisions:

- Excludes certain employees of the Oregon State Police from the definition of "supervisory employee" for purposes of collective bargaining that:
 - Serve in a rank equivalent to or below the rank of sergeant;
 - Are prohibited from striking by ORS 243.736; and
 - Assigns, transfers or directs the work of other employees but does not hire, discharge or impose economic discipline on those employees.
- Sunsets provisions of the measure on January 1, 2026.

SB 123 – Pay Equity Fix Legislation

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 617
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During the 2017 Legislative Session, the 2017 Equal Pay Act was passed. The “Act” expanded existing equal pay laws based on sex to make it an unlawful employment practice to discriminate between employees or applicants in the payment of compensation based on race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age. The Act prohibited an employer or prospective employer from using salary history to screen applicants or to determine compensation, or from acquiring the salary history of an applicant or employee from a current or former employer unless the applicant chose to disclose salary history when negotiating compensation.

Senate Bill 123 makes important revisions to the Pay Equity Employer Analysis and sets the stage for rulemaking during the interim at the Bureau of Labor and Industries (BOLI). The measure simplifies the process for employers that conduct an equal pay analysis and protects employers who conduct an analysis that is reasonable in scope and size from punitive and compensatory damages for 3 years.

The measure includes the following additional provisions:

- Includes a new simplified definition for “system.” This undefined statutory definition took on a broad and ambiguous definition in rules. The new definition in statute will provide a simple definition that is easy for everyone to understand.
 - Old Definition: "System" means a devised coherent, consistent, and verifiable and reasonable method that was in use at the time of the alleged violation to identify, measure and apply appropriate variables in an orderly, logical and effective manner.
 - New Definition: “System” means a consistent and verifiable method in use at the time that a violation is alleged under ORS 652.220.
- Adds an allowance for pay differentials for light duty work plans
- Allows employees to stay on the job, in a modified duty capacity, and maintain their salary, while not forcing the employer to violate the Pay Equity Law.

- Includes liability protection when salaries are raised as part of an Equal Pay Analysis
- Makes necessary changes to the Equal Pay Analysis so employers aren't forced to ask about private and sensitive status' as it relates to protected classes.
- Clarifies that an employer, if found at fault during a civil action, is required to cure the Plaintiff going forward, not as part of the Equal Pay Analysis.

SB 370 – Employee Notice of I-9 Employment Inspections

Effective Date: June 6th, 2019	2019 Oregon Laws Site: Chapter 260
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SB 370 includes the following key provisions:

- Requires an employer as defined in ORS 652.210 to provide notice within three business days of an employer's receipt of notice of inspection from a federal agency that an inspection of an employer's records regarding identity and employment eligibility of employees will take place.
- Requires employers to make reasonable attempts to individually distribute the required notification to employees and to post the notice in an accessible and conspicuous location.
- Requires the notice to include:
 1. A copy of the federal agency's notice of inspection received by the employer;
 2. The date of the inspection;
 3. To the extent the employer knows, the scope of the federal agency's inspection;
 4. The employer's obligations with respect to providing information within the scope of the federal agency's notice of inspection; and
 5. A telephone number, prescribed by the Bureau of Labor and Industries, for a hotline operated by an organization that provides information and advocacy related to immigrant and refugee workers' rights.
- Directs the Commissioner of Bureau of Labor and Industries (BOLI) to generate a standardized notice template for use by employers and to translate the notice template into the five most commonly spoken non-English languages in Oregon.

Background: The Immigration Reform and Control Act of 1986 require employers to verify the identity and employment eligibility of their employees using the Employment Eligibility Verification Form I-9. Employers are also required to maintain for inspection original I-9 forms. Any person or entity required to retain I-9 forms must be provided with at least three business days' notice prior to an inspection of the forms by an officer of an authorized agency of the United States. If the inspection finds technical or procedural violations, the employer is given ten business days to make corrections.

SB 423 - Psychological Screening for Law Enforcement Officers

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 78
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SB 423 includes the following key provisions:

- Requires a law enforcement agency to screen applicants for law enforcement officer positions prior to employment.
- Specifies that a screening must be completed by a licensed mental health professional.
- Requires the Department of Public Safety Standards and Training to develop rules on standards and procedures for screenings and qualifications of licensed mental health professionals.
- Becomes operative January 1, 2020

SB 479 – Workplace Harassment Prevention Plan Bill

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 463
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SB 479 includes the following key provisions:

- Requires public employers to have a written policy to prevent workplace harassment.
- Requires the policy to prohibit workplace harassment and contain information on how to report and pursue claims.
- Requires the public employer to establish a policy and procedures for investigating claims of workplace harassment.
- Prohibits a public employer from requiring employees to enter into nondisclosure agreements as a condition of employment, continued employment, promotion, compensation, or receipt of benefits if the agreement prohibits the person from discussion or disclosure of workplace harassment or sexual assault.

SB 726 – Workplace Harassment Act

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 343
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Senate Bill 726 creates a new unlawful employment practice that prohibits employers from entering into a nondisclosure or non-disparagement agreement (NDA) with an employee or prospective employee containing provisions that prevent an employee from disclosing unlawful employment discrimination: (a) between employees; (b) between an employer and employee in the workplace or at off-site work-related events coordinated by the employer; or (c) between an employer and employee off-site.

Senate Bill 726 includes the following additional provisions:

- Defines sexual assault as unwanted conduct of a sexual nature inflicted upon a person or compelled through force, manipulation, threat, or intimidation and makes it unlawful

employment discrimination to prohibit and employee from disclosing this conduct via a non-disclosure agreement.

- Requires a complaint regarding a non-disclosure agreement to be filed with the Bureau of Labor and Industries (BOLI) or in circuit court no later than five years after the occurrence of the alleged unlawful employment practice and applies to conduct occurring on or after October 1, 2020.
- Provides that the remedy in either case can include a recovery of back pay for the prior two-year period as well as compensatory and punitive damages.
- Includes two exceptions for employers wishing to enter into a non-disclosure agreement that would prevent an employee from disclosing unlawful employment discrimination. The employer can enter into a non-disclosure agreement:
 - When an employee claiming to be aggrieved by employment discrimination requests it as part of a settlement, separation, or severance agreement, provided the employee has seven days to revoke.
 - With an employee whom the employer determines has engaged in employment discrimination. The employer may include a no-rehire provision in a settlement, separation, or severance agreement under the same circumstances.
- Requires private and public employers to adopt written policies to reduce and prevent unlawful employment practices. Requires the policy to contain at least:
 1. a process for employees to report prohibited conduct;
 2. identification of the individual responsible for receiving reports;
 3. the statute of limitations for actions arising out of prohibited conduct;
 4. a statement that the employer cannot coerce or require employees to enter into nondisclosure agreements;
 5. an explanation of process for requesting agreement, including a statement that employee has at least seven days to revoke an agreement; and
 6. a statement advising employers and employees to document any incidents involving prohibited conduct.
- Requires an employer make policies available to employees and to provide a copy to each employee upon hire. The measure requires the Bureau of Labor and Industries to provide model policy on the BOLI website.

SB 1049 – PERS Reform Legislation

Effective Date: June 11th, 2019	2019 Oregon Laws Site: Chapter 355
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SB 1049 includes a series of provisions designed to reduce the unfunded liability for the Oregon Public Employee Retirement System. As adopted during the 2019 Legislative Session, SB 1049 includes the following key provisions:

Benefit Modifications:

The measure includes two provisions that impact employee retirement benefits: a re-direct of a portion of an employee's defined benefit contribution and a limitation on the Final Average Salary used to calculate the Full Formula Plus Annuity and Full Formula benefits.

- **Individual Account Program Redirect:**

The measure redirects a portion of employee contributions from an employee's defined contribution plan, the Individual Account Program, to partially fund an employee's defined benefit or pension plan ("Employee Pension Stability Account"), if the PERS funded status is less than 90% funded and if an employee's earnings is more than \$2,500/month or approximately \$30,000 per year. Moneys in an employee's Employee Pension Stability Account are ineligible for the Money Match benefit. Redirected funds reduce the defined contribution benefit of an employee but are then used to partially fund an employee's defined pension benefit. Redirected funds lower or offset the employer contribution. Employees have the option to voluntarily contribute into their IAP account the amount of redirected funds on an after-tax basis. The redirect for each benefit plan, which **begins on July 1, 2020**, is as follows:

- Tier One: 2.5% of PERS-eligible salary and wages
- Tier Two: 2.5% of PERS-eligible salary and wages
- Oregon Public Service Retirement Plan: 0.75% of PERS-eligible salary and wages

- **Change to Final Average Salary Limit:**

The measure caps annual salary for all purposes under the plan including final average salary and employer/ employee contributions at \$195,000. The \$195,000 cap is indexed to inflation on an annual basis. **This provision applies for years beginning on or after January 1, 2020.** If any period over which salary is determined is less than 12 months, the \$195,000 limitation for that period shall be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is 12.

System Financing:

- **Re-amortization of Unfunded Actuarial Liability:**

The measure modifies PERS system financing by changing the amortization period and adding assets to the system. Assets that are added to PERS will be included in actuarial valuations.

- Tier 1 and Tier 2 Unfunded Accrued Liabilities are re-amortized, on a one-time basis, from 20-years to 22-years after which point the amortization schedule for these two benefit plans revert to 20-years.
- The PERS Board sets the amortization period administratively as long as the amortization period is below the 40-year statutory maximum. The amortization period for the Oregon Public Service Retirement Plan remains unchanged at 16-years.
- The measure adds assets to the system by dedicating all net lottery revenues from sports betting games revenue to the Employer Incentive Fund. The corresponding employer match is indeterminate at this time until the amount of sports betting games net lottery revenue deposited into the fund becomes known.

- **Adding assets to the System:**

The measure adds assets to the system by dedicating all net lottery revenues from sports betting games revenue to the Employer Incentive Fund. The corresponding employer match is indeterminate at this time until the amount of sports betting games net lottery revenue deposited into the fund becomes known. The measure appropriates \$100 million of General Fund, on a time-time basis, for expenditure into the Employer Incentive Fund. The corresponding employer match up to 75% is assumed to be at least \$400 million for a total increase in assets of \$500 million.

Post Retirement Work:

- **Retiree Work After Retirement**

The measure eliminates both annual hours of employment restrictions for retired workers and the exemption on employers paying contributions on retired member payroll.

- Employer's must continue to make employer contributions with regard to a retired member, but the retiree will accrue no additional PERS retirement benefit and the employer contribution will be credited to an employer account as an additional payment above normal contributions.
- The return-to-work provisions are **effective for only the calendar years 2020, 2021, 2022, 2023, and 2024 and sunset on January 2, 2025.**

Expedited Review:

- **Expedited Review**

The measure provides for expedited legal review by the Oregon Supreme Court.

❖ EXPUNGEMENT/POST CONVICTION

SB 321 – Process for Seeking Court Ordered Post-Conviction DNA Testing (Felonies)

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 368
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Senate Bill 321 creates a new process by which a person can seek post-conviction DNA testing. The measure includes the following key provisions:

- Creates new process that allows a person to file a petition in the circuit court (where the judgement of conviction was entered) requesting the commencement of a post-conviction DNA testing proceeding, and requesting that the court appoint an attorney for the purpose of determining whether to file a motion under ORS 138.692 for the performance of DNA testing on specific evidence:
 - if the person has been convicted of aggravated murder or a felony in which DNA evidence could exist, and;
 - is related to the investigation or prosecution that resulted in the judgment of conviction.
- Following the filing of a petition and appointment of counsel, if a person files a motion seeking DNA testing, the court is required to order that:
 - the person be provided with a copy of property and evidence control and disposition records for all evidence related to the investigation or prosecution that resulted in the

- judgment of conviction, and;
 - If forensic testing on the evidence has previously occurred, the court shall further order that the person be provided with access to the results of the testing and to any other written materials related to the testing, including reports, underlying data, notes and protocols.
- Upon motion of the person and a showing that good faith efforts to obtain discovery materials from prior defense counsel were made and were unsuccessful, the court shall order that the person be provided reasonable access to discovery materials in the possession of the district attorney and law enforcement agencies that the person would have received under ORS 135.815 prior to trial.
- Allows the petitioner to file a motion to dismiss the proceeding on the grounds that the person does not wish to proceed with DNA testing. Upon receipt of the motion, the court shall dismiss the petition without prejudice.
- Requires the motion seeking post-conviction DNA testing include:
 - a declaration that the person is innocent of the offense be included in a motion for post-conviction DNA testing but removes the requirement that the motion include a prima facie showing of actual innocence.
 - a statement identifying the evidence to be tested, the results of any previous DNA testing, and whether the identity of the individual who committed the crime or conduct is at issue or that no crime occurred.
 - an explanation, in light of all the evidence, as to the reasonable probability that, had exculpatory results been available at the time of the underlying prosecution:
 - The person would not have been prosecuted or convicted of the offense; or
 - There would have been a more favorable outcome to the underlying prosecution
- Authorizes the court to order DNA testing in response to the motion after issuing written findings that establish:
 - Unless the parties stipulate otherwise, the evidence to be tested has been subject to a chain of custody sufficient to establish that the evidence has not been altered in any material aspect;
 - The motion is made for the purpose of demonstrating the innocence of the person of the offense and not to delay the execution of the sentence or administration of justice;
 - The identity of the individual who committed the crime or conduct was at issue in the underlying prosecution; or
 - If the person alleges that no crime occurred, the testing could not have been obtained during the criminal proceedings with the exercise of reasonable diligence; and
 - In light of all the evidence, there is a reasonable probability that, had exculpatory results been available at the time of the underlying prosecution, there would have been a more favorable outcome to the underlying prosecution.
- Prohibits the court from charging filing fees.
- Allows the victim to receive notification that a motion for post-conviction DNA testing has been filed and provides the district attorney discretion to notify the victim if they have not chosen to receive notice.
- Requires the district attorney to notify the victim if post-conviction DNA testing is ordered and if a new trial is ordered in light of the post-conviction DNA testing results.
- Establishes procedures for testing by a private laboratory.
- Grants the court authority to order that an unidentified DNA profile be compared against DNA

profiles in the State DNA Index System and/or the National DNA Index System when certain standards have been met.

- Requires the Oregon Judicial Department (OJD) to create new forms for use by petitioners in post-conviction DNA proceedings.

SB 873 – Eviction Order Set-Aside – No-Filing-Fee Process

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 351
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SB 873 Senate Bill 873 creates a no-filing-fee process for setting aside an order of eviction if the court finds that one of three situations is present:

- at least five years have passed since the eviction and the applicant has satisfied all money awards;
- the judgment was stipulated by the parties and terms have been complied with and all money awards satisfied; or
- the judgment was in favor of the applicant

The measure requires service of a copy of the motion on the person who was a plaintiff in the eviction proceeding and an opportunity to object. If the person who was a plaintiff objects within 30 days of service, then the court must hold a hearing on the issue. If no objection is made, or upon findings of the court after the hearing, the court is directed to enter an order setting-aside the judgment and sealing the official record.

HONOR AND RECOGNITION

HCR 24 – Recognizing and Honoring Officer Malcus Williams

Effective Date: Filed on June 24th, 2019	2019 Oregon Laws Site: Chapter 137
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HCR 24 honors and recognizes Officer Malcus Williams II who was born in Eugene and graduated from Willamette High School. He later attended Southern Oregon State College where he played football. He began his career in law enforcement as a reserve officer with the Ashland Police Department (APD) in 1994; two years later he was sworn in as a full-time officer. He completed a bachelor's degree at Southern Oregon while working full-time for APD. Officer Williams died in the line of duty while responding to a call on March 2, 2018. He was posthumously awarded Oregon's Law Enforcement Medal of Ultimate Sacrifice.

HCR 24 was filed with the Secretary of State on June 24th, 2019.

HB 2286 – Deceased or Disabled Public Safety Officer Grant Program Account Change

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 85
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HB 2286 redirects civil forfeiture proceeds dedicated to the Deceased or Disabled Public Safety Officer Grant Program (for children of public safety officers killed or disabled in the line of duty) from the Oregon 529 College Savings Plan Administrative Subaccount to a more appropriate scholarship account established or designated by the State Treasurer in the higher education qualified tuition savings program of the Oregon 529 Savings Network. The scholarships are for the cost of tuition and fees and are for four years of higher education. The measure retains use of ten percent of civil forfeitures revenue for disbursement to this scholarship program.

IMMIGRATION

HB 2932 – Prohibition from Court Inquiry into Immigration Status of Criminal Defendants

Effective Date: June 20 th , 2019	2019 Oregon Laws Site: Chapter 437
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HB 2932 includes the following key provisions:

- Requires courts to provide a defendant additional time to consider a decision to enter a plea of guilty or no contest after informing the defendant of potential immigration consequences relating to criminal convictions.
- Prohibits courts from inquiring into a defendant's immigration status or requiring a defendant to disclose the defendant's immigration status at any time during a criminal proceeding.
- Includes within the required notices a court must give defendants, notice that a criminal conviction may result in removal proceedings for non-citizens of the United States.

SB 962 – U-Visa Victim Helpfulness Certification

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 472
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SB 962 includes the following key provisions/requirements regarding the U-Visa Certification process:

- Requires a certifying official to certify in writing that a victim has been helpful on a certification form designated by the United States Citizenship and Immigration Services when requested by a victim or victim's representative if:
 - The victim is a victim of qualifying criminal activity; and
 - The victim has been helpful, is being helpful or is likely to be helpful to the detection, investigation or prosecution of the qualifying criminal activity (an ongoing investigation, a prosecution or a conviction is not required for a certification).

- Establishes a rebuttable presumption that a victim is helpful, has been helpful or is likely to be helpful to the detection, investigation or prosecution of a qualifying criminal activity if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement officials.
- Requires a certifying official that is processing a certification to:
 - Fully complete and sign the certification form; and
 - Include details about the nature of the qualifying criminal activity investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness unless the criminal activity was committed by a youth offender. For youth offenders, the certifying official shall only include the name of the offender, case number and a description of the qualifying criminal act.
- Requires a certifying agency to grant or deny a request for certification (unless there is a good cause for delay):
 - Within 90 days of the date of the certification request; or
 - Within 14 days of the date of the certification request if the victim is in removal proceedings.
- Requires a certifying official or agency that denies a certification to notify the petitioner in writing the reason for the denial and include an internal case number that allows the certifying agency to individually identify each certification request, the date of the denial; and the reason for the denial consisting of one of the following:
 - Lack of qualifying criminal activity;
 - Lack of helpfulness;
 - Lack of jurisdiction over certification request; or
 - Other circumstances for which a certifying official or agency may lawfully deny certification.
- Allows the petitioner, if the request for certification is denied, to do the following:
 - Provide supplemental information to the certifying agency and request that the certification denial be reviewed by the certifying agency.
 - Submit a new request for certification, after a previous request is denied, to another certifying agency for processing if the other certifying agency was involved in investigating the qualifying criminal activity.
- Requires a certification agency keep a copy of a denial notification for at least three years from the date of the notification.
- Establishes that a decision by a certifying agency to deny certification is not appealable under ORS chapter 19.
- Prohibits certifying agencies and certifying officials from disclosing the immigration status of a victim or other petitioner unless the disclosure is required by federal law or legal process, authorized by the victim or other petitioner.
- Establishes that a certifying official is immune from civil and criminal liability for certifying or denying a certification in good faith.

- Requires certifying agencies to:
 - Designate a person or persons within the agency responsible for processing requests for certification.
 - Develop written procedures for processing requests for certification.
 - Submit an annual report to the Oregon Criminal Justice Commission (beginning June 1, 2021, and annually until January 2, 2023) in a format specified by the commission by rule for all certifying agencies that received U-Visa certification requests within the previous calendar year. The report must include the following information:
 - A. The total number, within the previous year, of certification requests received, requests granted and requests denied, and the number of pending certifications on the date of the report; and
 - B. For denied certification requests, the number of times each of the following were the reason for the denial:
 - (i) Lack of qualifying criminal activity;
 - (ii) Lack of helpfulness;
 - (iii) Lack of jurisdiction over certification request; or
 - (iv) Other circumstances for which a certifying official or agency may lawfully deny certification.
 - C. Establishes that a report may not contain any personally identifying information.
- Directs the Criminal Justice Commission to do the following:
 - Maintain a list of certifying agencies other than individual judges within the state in order to monitor compliance with the reporting requirement.
 - Prepare a comprehensive report on the certification process within this state within 90 days of receiving the reports and submit the comprehensive report to the committees of the Legislative Committee related to the judiciary.
 - Identify any certifying agency that did not submit a report as required by the measure.
 - Request from a certifying agency or official copies of denial notifications containing personally identifying information if the information is needed in order to prepare an accurate report. The certifying agency or official shall provide the denial notification to the commission on request. A denial notification received under this paragraph is confidential.

❖ JUSTICE REINVESTMENT/JUSTICE SYSTEM REFORM

HB 3064 – Justice Reinvestment Grant Review Committee Membership Expansion

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 598
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HB 3064 includes the following key provisions:

- Expands the Justice Reinvestment Grant Review Committee from five to seven members.
- Includes two members that represent organizations that provide services for underserved racial, ethnic, or minority communities.
- Requires grant applicants to provide a statement of commitment to decreasing county use of prison beds through the operation of the service or program the grant will serve.

- Requires application to include demographic data of the community served by the grant and a statement describing how the program addresses racial and ethnic disparities in that community.
- Directs the Criminal Justice Commission (CJC) to specifically assess the extent to which each county is reducing utilization of prison beds.
- Requires the CJC to decline to grant the full grant amount requested, withhold approved funds, or terminate the grant award if the CJC finds that a county has not reduced use of imprisonment.
- States that money remaining from terminated grants may be redistributed through a supplemental grant program for projects servicing underserved communities.
- Requires the CJC to create an advisory committee, as specified, for the Task Force on Public Safety and to report to the committee how funds are distributed under the program.
- Directs the advisory committee to provide the Task Force on Public Safety with recommendations on how the CJC can increase equity in the allocation of funds.
- Requires CJC to provide a report to the Governor and the appropriate Joint Committee on Ways and Means subcommittee by September 15, 2020.

❖ JUVENILE/CHILD

HB 2051 – School Safety Tip Line Confidentiality

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 130
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HB 2051 includes the following key provisions:

- Specifies that contents of reports to the school safety tip line are not subject to disclosure in a public records request unless disclosure is in public interest.
- Makes personally identifiable data exempt from disclosure.
- Requires a person receiving tip line information to use information only for follow-up contact to obtain or provide further information.
- Specifies that personally identifiable information may be disclosed to the tip line staff, relevant educational institution, law enforcement, or a service provider.

HB 2227 – Adds Animal Control Officers to List of Mandatory Child Abuse Reporters

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 137
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- Adds animal control officers to the definition of public or private officials required to report suspected child abuse.
- Requires animal control officers to report or cause a report to be made if they have reasonable cause to believe that any child with whom the official has contact has suffered abuse or that any person with whom the official has contact has abused a child.

HB 2321 – County Juvenile Department Employee Public Records Disclosure Exemption

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 61
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HB 2321 adds county juvenile department employees who are charged with and primarily perform duties related to the custody, control or supervision of youth offenders confined in a detention facility, as defined in ORS 419A.004 to request that their personal information be exempt from public disclosure. Information exempt from disclosure include home address, home phone number and other specified personal information. Public Safety Officers already have the ability to request this exemption from public records disclosure.

HB 2849 – Protective Custody of Children Who Run Away from Home

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 594
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HB 2849 includes the following key provisions:

- Updates the standards under which a child may be taken into protective custody without a court order.
- Specifies that a child may be taken into protective custody by a peace officer, counselor, or an employee of the Department of Human Services only when there is reasonable cause to believe that there is an imminent threat of severe harm to the child, the child poses an imminent threat of severe harm to self or others, the child has run away from home, or there is an imminent threat that the child's parent or guardian will cause the child to be beyond the reach of the juvenile court before an assessment of abuse allegations could be completed, or before the court can order that the child be taken into protective custody.
- Specifies that if there is reason to know that the child is an Indian child, that child can be taken into protective custody without a court order only when it is necessary to prevent imminent physical damage or harm to the child.
- Specifies that a person obtaining a court order for protective custody must submit a declaration that protective custody is necessary and the least restrictive means available to protect the child from abuse, prevent the child from inflicting harm on self or others, ensure the child remains within the reach of the juvenile court to protect them from abuse or harm, or to ensure the safety of a child who has run away from home.
- Requires the declaration to set out why protective custody is in the best interest of the child.
- Specifies process for delivering declaration to the court.
- Mirrors court determinations on taking a child into protective custody to standards required in the declaration.
- Specifies court procedures.
- Ensures that the individual who removes the child for the purpose of conducting a medical assessment or documenting injuries under ORS 419B.023 does so only for the period of time necessary to ensure compliance with requirement.

HB 3261 – Police Officer Recordation of Juvenile Interview Expansion

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 216
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HB 3261 includes the following key provisions:

- Requires a peace officer, a school resource officer or a special campus security officer equipped with a body camera to record all custodial interviews of persons under 18 years of age in the course of investigating a misdemeanor or a felony, or an allegation that the person being interviewed committed an act that, if committed by an adult, would constitute a misdemeanor or felony.
- Requires recordation of these interviews regardless of where the interview occurs.
- Defines “Custodial interview” as an interview in which the person questioned is in custody and is required to be advised of the person’s constitutional rights.
- Provides exceptions to the recording requirement including:
 - For a statement that was spontaneously volunteered and did not result from a custodial interview;
 - the state demonstrates good cause for the failure to electronically record the custodial interview;
 - When the defendant’s or youth’s age was unknown to the officer or would not have been objectively apparent to a reasonable officer;
 - For a law enforcement agency that employs five or fewer peace officers;
- Defines “Good cause” for failure to record to include (but not limited to) situations where:
 - The defendant or youth refused, or expressed an unwillingness, to have the custodial interview electronically recorded;
 - The failure to electronically record the custodial interview was the result of equipment failure and a replacement device was not immediately available;
 - The person operating the recording equipment believed, in good faith, that the equipment was recording the custodial interview;
 - Electronically recording the custodial interview would jeopardize the safety of any person or the identity of a confidential informant;
 - Exigent circumstances prevented the recording of the custodial interview; or
 - The person conducting the custodial interview did not possess a wearable video camera to electronically record the custodial interview outside of a law enforcement facility.
- Requires the state to demonstrate by a preponderance of the evidence that an exception to the recording applies. If the state is unable to establish the exception applies, the court is required upon the request of a defendant to:
 - Instruct the jury regarding the legal requirement and the superior reliability of electronic recordings when compared with testimony about what was said and done.
 - Not exclude the defendant’s statement or dismiss criminal charges as a result of a violation of this section.
- Prohibits the court from giving a cautionary jury instruction regarding the content of a defendant’s statements if the statements made by the defendant that the state offers into evidence are recorded.
- Requires a law enforcement agency that creates an electronic recording of a custodial interview to preserve the recording until the defendant’s conviction or youth’s adjudication for the

offense is final and all direct, post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law.

SB 15 – Youth Development Council Monitoring Authority

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 256
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SB 15 includes the following key provisions:

- Permits Youth Development Council (YDC) to collect data and inspect any facility in which juveniles are detained to ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPa).
- Provides rulemaking authority to YDC on facility inspection and data collection.

SB 155 – Child Abuse Reporting & Investigation Changes – Abuse in Educational Settings

Effective Date: July 23, 2019	2019 Oregon Laws Site: Chapter 618
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SB 155 includes the following key provisions:

- Requires the Department of Human Services (DHS) to investigate all reports of child abuse. The legislation defines abuse as a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse and does not include screening activities conducted upon the receipt of a report. Note: this prevents DHS from using the “closed at screening” designation.
- Requires DHS to investigate all reports of child abuse not investigated by law enforcement.
- Requires schools to report all incidents of suspected abuse to a law enforcement agency, the Department of Human Services or a designee of the department as required by ORS 419B.010 and 419B.015.
- Requires education providers to conduct investigations of all allegations of abuse or sexual conduct to a student by a school employee, volunteer, contractor, or agent. Law enforcement and DHS will be notified of and will conduct investigations related to these reports. Amends the statutory definition of education provider, school board, student, and sexual conduct.
- Imposes a 90-day deadline for Teacher Standards and Practices Commission (TSPC) to investigate allegations of sexual conduct involving licensed school personnel upon receipt of a report.
- Requires the Oregon Department of Education (ODE) to investigate allegations of sexual conduct involving unlicensed school personnel, contractors, agents, or volunteers within 90 days of receiving a report and provides for appeals as contested cases.
- Expands required cross-notifications to include TSPC, ODE, and school districts.
- Allows school districts to use the investigatory reports of state agencies or law enforcement to make employment determinations.
- Requires person designated by school districts to receive reports to be a licensed administrator.
- Prohibits school personnel from assisting personnel accused of abuse or sexual conduct in obtaining another job unless proper reporting and investigation has been completed.

- Requires that employees accused of abuse or sexual conduct remain on administrative leave until a state agency completes an investigation and the school district makes an employment or disciplinary determination.
- Requires DHS and law enforcement agencies that receive a report of alleged child abuse that occurs in a school or related to a school-sponsored activity to:
 - Immediately notify the Oregon Department of Education;
 - Jointly determine the roles and responsibilities of the department and the agency in their respective investigations (current law); and
 - Report the outcomes of any investigation to the Department of Education when completed.
 - Note: Law enforcement is currently required to notify the Office of Child Care when a report of alleged child abuse occurs at a child care facility and to report the outcome of any investigation.
- Allows school districts to immediately terminate contractors, agents, or volunteers accused of abuse or sexual conduct.
- Requires school districts to establish policies for appropriate electronic communication between staff and students and adds same to the annual training school districts must provide.
- Modifies the prohibition on the termination or resignation agreements that impair or suppress abuse or sexual conduct investigations.
- Includes the following effective dates for portions of the law:
 - Modified definitions take effect July 1, 2019.
 - Implementation requirements for DHS and TSPC take effect January 1, 2020.
 - Implementation requirements for ODE take effect July 1, 2020.

SB 804 – Cross-Reporting of Alleged Child Abuse to County Where Abuse Occurs or Hotline

Effective Date: May 24, 2019	2019 Oregon Laws Site: Chapter 181
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SB 804 includes the following key provisions:

- Requires the Department of Human Services (DHS) to provide notification of an alleged report of child abuse to a law enforcement agency within the county where the alleged abuse occurred. When the county where the abuse was alleged to occur is not known, DHS is required to provide the notification to;
 - the county where the child resides; or
 - the county where the reporter came into contact with the child or the alleged perpetrator of the abuse.
- Requires law enforcement agencies who receive a report of alleged child abuse to notify DHS using the child abuse reporting hotline.

SB 832 – Critical Incident Review Team (CIRT) Purpose and Role

Effective Date: July 15th, 2019	2019 Oregon Laws Site: Chapter 555
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SB 832 includes the following key provisions:

- Declares the purpose of Critical Incident Review Teams (CIRTs).
- Defines “critical incident” as an event that results in the unexpected death of a child in custody of the Department of Human Services (DHS) if DHS reasonably believes death resulted from child abuse, or when any child in the household came to DHS' attention in the prior 12 months.
- Directs the DHS to assign a CIRT within 10 days of becoming aware of a critical incident or within seven days after initiating an investigation into the nature and cause of a fatality caused by child abuse.
- Modifies CIRT membership to include a local citizen review board member and a legislator, as specified.
- Requires every CIRT to submit a final written report to the DHS with specified information no later than the 100th day of assignment, unless DHS extends deadline.
- Requires a CIRT to consider the following potential consequences prior to publishing a final report:
 - Whether the publication of the report is likely to compromise an ongoing investigation of a law enforcement agency, after the team has communicated with and obtained agreement of appropriate law enforcement agency representatives and the district attorney;
 - Whether the report can be modified so as to permit publication of the report without compromising a law enforcement agency investigation; and
 - Whether, as determined by the team with the advice and consultation of the Director of Human Services, the public interest outweighs the potential consequences to a law enforcement agency investigation as provided in ORS 192.345 (3)
- Declares that CIRT reports are in addition to and separate from reviews conducted by county multidisciplinary child abuse teams formed under ORS 418.747, statewide interdisciplinary teams formed under ORS 418.748 and the DHS child welfare protocols regarding Notification and Review of Child Fatalities and Notification and Review of Sensitive Issues.
- Directs the DHS to publish specified information regarding each CIRT to the website within 10 days of receipt of a report.
- Prohibits the DHS from redacting more than is required to be kept confidential from final report prior to publication.

SB 924 – Deinstitutionalization of Children Taken into Protective Custody

Effective Date: June 13th, 2019	2019 Oregon Laws Site: Chapter 382
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SB 924 includes the following key provisions:

- Modifies the juvenile code to clarify that children taken into protective custody in dependency cases and children from Oregon who have run away from home may not be placed in detention facilities.
- As prescribed by current law, continues to allow a child or ward may be held in a police station for up to five hours when necessary to obtain the child or ward's name, age, residence and other identifying information. Continues to require all peace officers to keep a record of children taken into protective custody and shall promptly notify the juvenile court or counselor of all children taken into protective custody. Continues to require the person who takes a child into custody to, as soon as practicable, to notify the child's parent, guardian or other person responsible for the child. The notice shall inform the parent, guardian or other person of the action taken and the time and place of the hearing.
- Clarifies that when the court determines a child or ward is an out-of-state runaway, the court is authorized to place the child/ward in a placement that the court determines to be the least restrictive setting, including detention, necessary to ensure that the out-of-state runaway is not a danger to self or others pending the return of the out-of-state runaway to the out-of-state runaway's home state.
- Defines "home state" and "out-of-state runaway."
- Requires each county juvenile department to report on the number and duration of out-of-state runaways, Runaway youth and youth offenders held in pre-adjudication detention to the Youth Development Council rather than the Criminal Justice Commission.

SB 994 – Background of Noncustodial Parent prior to Child in Protective Custody Release

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 631
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- Requires a person who takes a child into protective custody, prior to releasing the child to the custody of the child's noncustodial parent, to request the Department of Human Services to conduct a criminal records check on:
 - The noncustodial parent; and
 - All adults in the same home as the noncustodial parent.
- Requires DHS to comply with requests for background checks and to adopt rules consistent with the requirements of the Department of State Police for use of the Law Enforcement Data System.

SB 1008 – Juvenile Offender Sentencing Reform

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 634
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SB 1008 modifies the treatment of youth in the criminal justice system including the following key provisions:

Age of conviction considerations:

- Requires the transfer of physical custody of a juvenile defendant to the Oregon Youth Authority (OYA) if a juvenile defendant committed a crime before age 18, but the prosecution and conviction occurred after the juvenile defendant reached age 18 but before reaching age 20.
- Requires the court to include the age of the juvenile at the time they committed the offense within the judgment if the physical custody of the juvenile defendant is dependent on age.
- Directs the court to include the earliest age of conviction for a juvenile defendant convicted of multiple offenses.
- Directs the court to include the age of the juvenile at the earliest occurrence of offense when the juvenile has been convicted of an offense occurring within a range of dates.
- Requires the transfer to OYA following resentencing from an appellate or post-conviction relief proceeding.

Waiver into adult criminal court

- Removes the requirement that youth at age 15, 16, and 17 charged with criminal offenses specified in ORS 137.707 (Ballot Measure 11, 1994) be automatically waived into adult criminal court.
- Permits the state to file a motion requesting a waiver hearing subject to the requirements of ORS 419C.349 to determine whether to waive a youth charged with specified offenses into adult court.
- Requires the courts to consider whether the youth can be safely rehabilitated under the jurisdiction of the court.
- Gives the victim of the alleged offense the right to appear at the waiver hearing and the right to provide the court with information reasonably related to the court's determination.
- Provides a right to counsel for the juvenile at the waiver hearing.
- Allows the state to have a psychiatric evaluation of a youth completed for the waiver hearing.
- Provides that the confidentiality protections of ORS 419A.255 that apply to juvenile cases apply to criminal proceedings that are ultimately transferred back to juvenile court.

Conditional Release Hearings:

- Makes a juvenile offender convicted of a criminal offense specified in ORS 137.707 (Ballot Measure 11, 1994) eligible for a conditional release hearing pursuant to the requirements of ORS 420A.203 after serving at least one-half of the sentence imposed.
- Makes any juvenile offender who is in the physical custody of OYA and has a release date that falls after their 25th birthday but before their 27th birthday eligible for a conditional release hearing pursuant to the requirements of ORS 420A.203.
- Ensures that the parents of a juvenile offender who is under 18 years old receive notice of the conditional release hearing.
- Ensures that the parents of a victim who is under 18 years old receive notice of the conditional

release hearing.

- Allows the court to delay the conditional release hearing for good cause.
- Permits the person to waive their right to a conditional release hearing.

Sentencing for juvenile defendants less than 18 years of age:

- Prohibits the court from sentencing a juvenile defendant who committed an offense before age 18 to life without parole.
- Provides a list of factors for the court to consider when sentencing a juvenile defendant who committed an offense before age 18.
- Requires the court to give substantial weight to a qualifying mental health evaluation of a juvenile defendant who committed an offense before age 18.
- Requires a mental health evaluation to be conducted by a professional whose primary practice is the treatment of adolescents and to include an assessment of the person's degree of insight, judgment, self-awareness, emotional regulation, and impulse control.
- Prohibits the court from considering the age of the juvenile defendant as an aggravating factor.
- Requires the court to indicate in the judgment the age of the juvenile defendant at the time of the offense and that the juvenile defendant is eligible for a hearing and a release as described by the measure.

State Board of Parole and Post-Prison Supervision hearing

- Provides that a juvenile offender who committed an offense before age 18 and is serving a sentence of imprisonment is eligible for a hearing in front of the State Board of Parole and Post-Prison Supervision (Board) for release on parole or post-prison supervision after 15 years of imprisonment.
- Allows the Board to require the juvenile offender to be examined by a psychiatrist or psychologist.
- Requires the Board to consider and give substantial weight to the fact that a person under 18 years of age is incapable of the same reasoning and impulse control as an adult, the diminished culpability of minors, and a series of delineated mitigating circumstances that cannot be considered as aggravating circumstances.
- Provides a series of factors for the Board to consider when determining whether to release a juvenile offender at the release hearing.
- Prohibits the Board from considering age as an aggravating factor.
- Provides a process for release and supervision.

Victim notice and services:

- Requires the Department of Justice, in consultation with the district attorney victim assistance programs and community-based victim services providers, to develop model policies for providing trauma-informed and culturally specific notice to victims in waiver hearings and conditional release hearings.
- Requires the district attorney victim assistance programs to provide victims with notice, court accompaniment, and referrals to community-based victim services that are culturally specific, when available.

Applicability

- Applies all provisions to sentences imposed on or after January 1, 2020.

HB 2078 – Changes to Boating Safety Education Card Requirements

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 156
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HB 2078 includes the following key provisions:

- Removes the provision allowing new boat owners to operate a boat for 60 days before obtaining a boating safety education card.
- Removes the provision allowing nonresidents to operate a boat with more than 10 horsepower for less than 60 consecutive days without a boating safety education card.
- Exempts persons engaged in commercial fishing from holding a boating safety education card.
- Clarifies that nonresidents in possession of a boating safety education card approved by the National Association of State Boating Law Administrators meets the card requirement.
- Clarifies the statutory language regarding boating safety education cards and other terms.

HB 2079 – Boating Offenses – Reckless Boating and BUII Penalties and Process

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 431
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HB 2079 includes the following key provisions:

- Replaces the crime of reckless operation of a boat with reckless boating.
- Defines reckless boating as when “a person recklessly operates a boat in a manner that endangers the safety of persons or property.”
- Reduces the offense of failing to carry a personal floatation device from a Class B violation to a Class D violation.
- Requires suspension of an individual's boating safety education card if a person is convicted of reckless boating or boating while under the influence of intoxicants (BUII) for one year.
- Creates a two-pronged process for a police officer to request consent for a breath or urine test from an individual arrested under suspicion of a BUII.
- Directs an officer to first ask for consent to test the individual and then, if the individual refuses, to ask for physical cooperation and to explain the legal consequences of a refusal to cooperate.
- Provides that the evidence of a refusal to cooperate can be used against defendant in court and that the person who refuses is subject to a three-year suspension of their boating safety education card and a three-year prohibition on applying for a certificate of title, registration, or numbering.

HB 2080 – Fees Assessed by the State Marine Board

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 389
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HB 2080 includes the following key provisions:

- Increases the fee for a boating safety certificate from \$10 to \$20.
- Increases the biennial fee for an original or renewal certificate of identification number or registration for all sailboats 12 feet and longer and all motorboats from \$4.50 to \$5, plus \$5.95 per foot.
- Specifies that \$5 of each original or renewal certificate be deposited in the Aquatic Invasive Species Prevention Fund.
- Removes the existing biennial fee for a motorboat aquatic invasive species prevention permit.
- Increases the application fee for an original boat title or title transfer from \$50 to \$75.

HB 2351 – Regulation of Boat Operation on Willamette River Greenway

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 192
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HB 2351 includes the following key provisions:

- Authorizes the Oregon State Marine Board (OSMB) to adopt special regulations for boat operation on the Willamette River within the Willamette River Greenway, including establishment of designated speed and other methods for the protection of shoreline, public and private property, fish and wildlife habitat, and vegetation.
- Requires OSMB, when adopting special regulations, to consider the Department of Land Conservation and Development Commission statewide land use planning goals and guidelines to protect, conserve, and maintain natural, scenic, historical, agricultural, economic, and recreational qualities of land along the Willamette River Greenway.
- Exempts tugboats, towboats, barges, launch vessels, and other commercial vessels from the special regulations on the Willamette River mile 0 to 26.

HB 2835 – Recreational Use of Waterways – Process for Closure or Restriction

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 409
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HB 2835 includes the following key provisions:

- Defines the "public access site" as a site on state public lands where the public may access the lands for recreational use of a floatable natural waterway.
- Requires state agencies to post notice on an agency's website 30 days prior to the date of restricting or closing access to a public access site.
- Lists circumstances when posting is not required.
- Requires state agencies that restricted, closed, opened, or reopened access to a public access

site, to submit a report on the number of restrictions or closures of public access sites to the Legislative Assembly on or before January 1st of each year.

- Stipulates that the measure does not impact agency jurisdiction or responsibility.
- Authorizes state agencies to adopt rules to carry out provisions of the measure.
- Declares that the measure does not restrict federal navigation servitude or restrict or expand any rights persons have under common law.
- Defines "project" as the construction of a new bridge or improvements to an existing bridge over a floatable natural waterway; specifies that "project" does not include existing bridge maintenance.
- Requires the Oregon Department of Transportation (ODOT) to notify the Department of State Lands (DSL), the Oregon State Parks and Recreation Department (OPRD), and the Oregon State Marine Board (OSMB) when recommending such projects for funding under a draft Statewide Transportation Improvement Program (STIP) unless: proposed project is on a limited access highway or ferry terminal; or ODOT determines that siting public access near a proposed project is not feasible.
- Allows DSL, OPRD, and OSMB to propose changes to ODOT-proposed projects to enable public access and to provide ODOT with an estimate of: availability of funding from other sources than the State Highway Fund for public access sites near proposed project; likelihood and type of potential public use of public access near the proposed project; and any impacts associated with existing public access near the proposed project.
- Prohibits the state agency that proposes a project from an altering purpose or need of project based on proposed changes.
- Requires ODOT, prior to approval of project funding under STIP, to consider estimates of: available funding from State Highway Fund and other sources; likelihood and type of any potential public use of a public access site; impacts associated with existing public access near the proposed project; and impacts on traffic, roadways, or highway safety from existing public access near the proposed project.
- Requires ODOT, to the greatest extent practicable, to not adversely impact existing lawful public access.

HB 3168 – Operation of Slow No-Wake Electrically Motored Boats on Certain Lakes

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 214
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HB 3168 includes the following key provisions:

- Authorizes the Oregon State Marine Board to adopt rules authorizing operation of boats propelled by electric motors at a slow no-wake speed on specific lakes in Clackamas, Deschutes, Douglas, Hood River, Jackson, Jefferson, Lane, Linn, Marion, and Wasco counties.
- Clarifies that the federal government and public bodies with jurisdiction may use motor boats on specific waters.

❖ OFFICER ISSUES - WELLNESS

HB 2401 – “Officer-Initiated Pedestrian Stop” – Definition Modification

Effective Date: June 11 th , 2019	2019 Oregon Laws Site: Chapter 305
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HB 2401 includes the following key provisions:

- Modifies definition of officer-initiated pedestrian stop for the purposes of profiling data collection.
- Removes the requirement that a stop results in citation, arrest, or search.

HB 3216 – Unlawfully Summoning a Police Officer – Civil Action

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 415
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HB 3216 includes the following key provisions:

- Creates a civil cause of action for a person injured by an individual who knowingly causes a police officer to arrive at a location to contact another person with the intent to:
 - Infringe on the other person’s rights under the Oregon or United States Constitutions;
 - Unlawfully discriminate against the other person;
 - Cause the other person to feel harassed, humiliated or embarrassed;
 - Cause the other person to be expelled from a place in which the other person is lawfully located; or
 - Damage the other person’s:
 - Reputation or standing within the community; or
 - Financial, economic, consumer or business prospects or interests
- Upon prevailing, the measure allows the plaintiff to recover the greater of:
 - Special and general damages, including damages for emotional distress; or
 - Statutory damages of \$250 against each defendant found liable under this section; and Punitive damages.
- Authorizes the court to award reasonable attorney fees to the prevailing plaintiff
- Provides that a civil action may be brought up in a small claims court if the total damages do not otherwise restrict jurisdiction of the court.

SB 424 – Police Agency Mental Health Wellness Policy Requirement

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 79
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SB 424 includes the following key provisions:

- Requires law enforcement agencies to establish a mental health wellness policy for addressing issues related to the mental health wellness of law enforcement officers employed by the agency..

- Defines law enforcement agency for purposes of applicability of the measure as a city or municipal police department, a county sheriff's office, the Oregon State Police, or a university police department.

SB 507 – Workers Compensation Presumption for PTSD and Acute Stress Disorder

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 372
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SB 507 includes the following key provisions:

- Applies to Oregon public sector full-time paid firefighters, emergency medical services providers, police officers, corrections officers or youth correction officers, parole and probation officers and emergency dispatchers or 9-1-1 emergency operators.
- Limits the Presumption of compensability to Post Traumatic Stress Disorder (PTSD) and Acute Stress Disorder as those terms are defined (“DSM-5” means the definition found in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association). These are the only diagnosis in the DSM V for which exposure to life threatening or life changing trauma is required for the condition to occur.
- The presumption applies in the following two situations:
 - For cumulative trauma, the presumption applies if the employee has worked in one of the listed public safety fields for a minimum of five years
 - For a single traumatic event sufficient to trigger PTSD or Acute Stress Disorder, the presumption is available to an employee without any length of employment requirement
- Requires claims to be filed while the employee remains in public safety employment or within 7 years of leaving such employment.
- The employee must meet the following preconditions before the presumption is available:
 - Requires the employee filing a claim to establish that it is medically probable (preponderance of persuasive medical evidence) that they have PTSD or Acute Stress Disorder per the DSM V before the presumption is available. To establish this probability, the employee must present expert medical evidence from a psychologist or psychiatrist certifying that the employee satisfies the DSM V diagnostic criteria for PTSD or Acute Stress Disorder.
 - Authorizes the employer to seek independent expert input and to challenge the diagnosis of PTSD or Acute Stress Disorder if the employer doesn’t believe the burden of proof is met by providing the evidence to the Workers Compensation Board or its judges.
 - Establishes that the Workers Compensation Board and Judges, based on a consideration of all available expert medical evidence, will rule that the claim is compensable if they determine that the employee met the burden of proving that the diagnosis of PTSD or Acute Stress Disorder is valid.
- Allows an employer to rebut a compensable presumption only by establishing through clear and

convincing medical evidence that the duties as a covered employee were not of real importance or great consequence in causing the diagnosed condition.

- Allows the insurer or the self-insured employer to later deny the current compensability of a claim if exposure as a covered employee to trauma that meets the diagnostic criteria set forth as Criterion A in the DSM-5 for post-traumatic stress disorder or acute stress disorder ceases being of real importance or great consequence in causing the disability, impairment of health or a need for treatment.
- Applies to claims filed by the City of Portland police, fire and other public safety employees.
- Applies to claims filed on or after the effective date of the bill.

❖ PROSECUTION - SENTENCING

HB 2480 – Hearsay Exception for Interpreter Present at Trial & Subject to Cross Examination

Effective Date: June 11 th , 2019	2019 Oregon Laws Site: Chapter 306
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HB 2480 provides an exception to *State v. Montoya-Franco*, an Oregon Court of Appeals ruling that held that an out-of-court translation of a non-English speaker's statements to a third party constitutes hearsay because the interpreter's translation constitutes an assertion of the English meaning of the original translation (*State v. Montoya-Franco*, 250 Ore. App. 665, (2012)). House Bill 2480 provides an exception to this rule when the interpreter is present at trial and subject to cross examination, allowing the underlying statement to be introduced as non-hearsay if it was otherwise admissible but for the interpretation of the statement.

HB 3201 – Deferred Resolution of Criminal Charges

Effective Date: June 20 th , 2019	2019 Oregon Laws Site: Chapter 445
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HB 3201 includes the following key provisions:

- Prohibits agreements for deferred resolution of criminal cases under ORS 475.245 from requiring the defendant to enter a plea of guilty or no contest on any charge in the accusatory instrument.
- Requires the agreement to contain a waiver of certain constitutional rights relating to the trial if a defendant fails to fulfill the obligations of the agreement.
- Prohibits police reports or other documents associated with the criminal charges to be admitted into evidence and used to establish a factual basis for finding the defendant guilty unless the court resumes proceedings after diversion is terminated.
- States that if a court finds a defendant in violation of a term or condition of the probation and resumes criminal proceedings, the defendant may not contest the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory instrument.

HB 3224 – District Attorney Policies

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 446
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HB 3224 includes the following key provisions:

- Requires the District Attorney in each county to develop and formally adopt written office policies concerning specified subject areas no later than December 1, 2020, and to make the policies available to the public on their website.
- Requires the District Attorney to review and revise policies as necessary every five years thereafter.

SB 362 – Notice of Mental Defense

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 326
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SB 362 includes the following key provisions:

- Requires the defendant to file a written notice of intent to introduce evidence of insanity or a diminished capacity defense at least 45 days before trial.
- Allows the court to permit a defendant to file notice within 45 days of trial for good cause shown.
- Applies to offenses alleged to have been committed on or after the effective date of the bill.

SB 1002 – District Attorney Plea Offer Restrictions

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 326
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SB 1002 includes the following key provisions:

- SB 1002 prohibits a district attorney from conditioning a plea offer on the following:
 - Eligibility for transitional leave under ORS 421.168.
 - Eligibility for a reduction in the term of incarceration under ORS 421.120 or 421.121.
 - Eligibility for any reduction in sentence, leave or release from custody or any other program for which the executing or releasing authority may consider the defendant, including programs for which the executing or releasing authority determines eligibility and programs for which consideration must be ordered by the sentencing court under ORS 137.750.
- Applies to plea agreements entered into on or after the effective date of this 2019 Act.

SB 1013 – Death Penalty Reform

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 635
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SB 1013 includes the following key provisions:

- Redefines the Crime of Aggravated Murder to include:
 - the premeditated, intentional homicide of police officers (as defined in ORS 801.395), correctional officers, parole and probation officers related to the performance of their official duties;
 - the premeditated, intentional homicide of two or more persons that is committed with the intent to either intimidate, injure, or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government through destruction of property, murder, kidnapping or aircraft piracy;
 - murder by a defendant in custody, after the defendant was previously convicted in any jurisdiction of any homicide that would constitute the crime of aggravated murder or murder in the first degree; or
 - premeditated intentional murder of a person under 14 years of age.
- Reclassifies the current definition of aggravated murder as Murder in the First Degree, and renames the crime of Murder to Murder in the Second Degree
- Removes future dangerousness as a factor the jury must determine when deciding on sentence of death.
- Clarifies that attempted aggravated murder and attempt of any degree of murder are Class A felonies.
- Requires the state to prove that the defendant should receive the death penalty beyond a reasonable doubt.
- Applies to sentencing proceedings occurring on or after the effective date of the measure.

PUBLIC RECORDS

HB 2353 – Penalties and Fees for Public Records Request Undue Delay/Failure to Respond

Effective Date: June 4th, 2019	2019 Oregon Laws Site: Chapter 205
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HB 2353 includes the following key provisions:

- Authorizes the Attorney General, the district attorney, or the court to require a public body to pay a \$200 penalty and reasonable attorney fees to a person who requested a public record upon determining that the public body failed to respond to the request or responded to the request with an undue delay.
- Allows the Attorney General, the district attorney, or the court granting a petition filed under this section to provide for a fee waiver or a fee reduction in the order granting the petition.

❖ SCHOOL SAFETY/STUDENT SAFETY

HB 3427 – Oregon Safe to Learn School Act – Statewide School Safety and Prevention System

Effective Date: July 1st, 2020	2019 Oregon Laws Site: Chapter 122
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HB 2427 establishes a Corporate Activity Tax with revenues dedicated to schools. The Oregon Safe to Learn School Act appears in Section 36 of the measure and includes the following provisions:

1. Requires the Department of Education to establish and maintain a Statewide School Safety and Prevention System that consists of the following:
 - Assistance to school districts and education service districts in decreasing acts of harassment, intimidation or bullying and acts of cyberbullying through the implementation of effective prevention programs that:
 - Incorporate evidenced-based, multitier practices;
 - Support resiliency building and trauma-informed care practices.
 - Assistance to school districts and education service districts in decreasing youth suicidal behavior through the implementation of effective prevention programs and student wellness programs that focus on early identification and intervention by school safety and prevention specialists, as described in subsection (4) of this section, who:
 - Provide training, outreach and technical assistance related to youth suicidal behavior prevention and wellness;
 - Support coordination between schools and health agencies, including public and private behavioral health providers; and
 - Support school districts and education service districts in the establishment of suicidal behavior prevention programs.
 - Assistance to school districts and education service districts in implementing a multidisciplinary student safety assessment system to identify, assess and support students who present a potential risk for violence to others. Multidisciplinary school safety assessment teams shall be made available to assist each school district and education service district in assessing students who are engaged in violence or who are posing a threat of violence to others. Requires the teams to:
 - Assess potential danger and identify circumstances and risk factors that may increase risk for potential violence;
 - Develop management and intervention plans in collaboration with community partners; and
 - Connect students and families to community resources and supports.
 - Promotion and use of the statewide school safety tip line established by ORS 339.329. School safety and prevention specialists shall work collaboratively with the Oregon State Police to support school districts and education service districts in accessing and implementing the school safety tip line.

2. Requires the system to be supported by school safety and prevention specialists who:
 - Serve regions of this state;
 - Are cross-trained in safety assessments and in the prevention of youth suicide, of acts of bullying, intimidation or harassment and of acts of cyberbullying; and
 - Provide or facilitate training, the development of programs and plans, the coordination of local teams and the provision of ongoing consultation to regional partners, school districts and education service districts.
3. Requires the State Board of Education, in consultation with the Oregon Health Authority and other representatives of school districts, education service districts, school employees, human services, mental health professionals and law enforcement agencies, to adopt rules related to the system.

SB 576 – Campus Public Safety Reform (Kaylee’s Law)

Effective Date: May 24th, 2019	2019 Oregon Laws Site: Chapter 152
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SB 576 includes the following key provisions:

- Applies limitations to private security professionals and special campus safety officers employed at institutions of higher education.
- Requires nationwide criminal record checks of all private security providers or special campus security officers serving institutions of higher education.
- Specifies that private security professionals and special campus safety officers do not have stop and frisk authority.
- Requires vehicles to be equipped with the institution's choice of global positioning system devices (GPS), video cameras recording scenes from the vehicle, or a dispatch system that records calls. Requires information obtained from the vehicle to be retained for at least 90 days.
- Requires uniforms to be easily differentiated from the uniform of any law enforcement officer certified by the Department of Public Safety Standards and Training (DPSST), including, but not limited to prominent designation of "campus security," school logo or school colors.
- Requires public universities that employ special campus safety officers to ensure that each officer undergoes psychological testing to determine the officer's fitness to serve as a special campus security officer.
- Provides restrictions and requirements on campus security vehicles, including clearly identifying the vehicle as campus security, prohibiting the use of red and blue light bars, prohibiting use of ramming bumpers, and prohibiting use of cages.
- Requires prompt notification to local law enforcement when campus security makes probable cause arrest and prohibits the retention of evidence.
- Allows employment of retirees as special campus security officers without hour limitations as specified in ORS 238.082.
- Makes provisions relating to uniforms, vehicles, and employment operative on January 1, 2020.

SB 1005 – Task Force on School Safety Extension

Effective Date: August 9 th , 2019	2019 Oregon Laws Site: Chapter 685
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SB 1005 includes the following key provisions:

- Extends sunset date of Task Force on School Safety (Task Force) until September 2021.
- Increases membership of Task Force from 16 to 18 members.
- Requires that a representative from the Oregon Health Authority and a representative from the Office of Emergency Management be a member of the Task Force.
- Requires the Task Force submit a third report concerning the floor plan database in the manner provided by ORS 192.245 no later than September 1, 2021.
- Clarifies that the provisions of SB 1008 (2019) that apply after 1/1/2020 do not apply to people who were sentenced prior to that date, but then are subsequently re-sentenced.

SEARCH & RESCUE

HB 2585 – Certification of Death for Person Missing in Wilderness or Forested Area

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 435
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HB 2585 includes the following key provisions:

- Establishes the process for determining that a person missing in the wilderness or a forested environment is deceased.
- Requires that the Search and Rescue Coordinator (SRC) and the county sheriff to send documentation of an investigation into the person missing in the wilderness or forested environment and the determination that the sheriff believes the person to be deceased to the Chief Medical Examiner (CME).
- Requires the CME to evaluate the credibility of the investigation and determine, within seven days of receiving the report, if they have no reasonable suspicion that the person is not deceased or that there is a reasonable suspicion that the person is not deceased. Depending on the determination, the CME is required to do the following:
 - If the CME determines that there is no reasonable suspicion that the person is not deceased, the Chief Medical Examiner shall complete and file a report of death for the person believed to be deceased within 45 days after making the determination.
 - If the CME determines that there is a reasonable suspicion that the person is not deceased, the Chief Medical Examiner shall report to the sheriff with the basis for the determination and a list of any missing information that would aid the Chief Medical Examiner in evaluating the credibility of the investigation and the determination that the person is believed to be deceased.
- Requires reasonable effort by the sheriff to provide missing information to the CME.

❖ SEX OFFENSES – PROSTITUTION – HUMAN TRAFFICKING

HB 2045 – Sex Offender Registration Requirements and Deadlines

Effective Date: June 20 th , 2019	2019 Oregon Laws Site: Chapter 430
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HB 2045 updates the sex offender registration requirements and deadlines and includes the following key provisions:

- Amends the current deadline for classification of existing sex offender registrants by the State Board of Parole and Post-Prison Supervision (Board) to December 1, 2026.
- Removes the February 1, 2023, deadline for the Oregon State Police (OSP) to enter classifications of existing registrants into the Law Enforcement Data System, and instead requires OSP to enter the information within a reasonable time after the receipt.
- Replaces "unclassified sex offenders" with the statutes specifying the individuals that the Board is required to assess and report on progress made to the legislature.
- Clarifies the language relating to a person's petitioning review of their sex offender risk assessment classification under ORS 163A.100.
- States that a petition for review must be filed within 60 days of receiving notice of the classification in person, or if by mail, the time when the notice is sent.
- Includes an exception when a good cause is shown for the failure to petition within the 60-day time frame.
- Adds to circumstances when juvenile courts must ensure that a person is required to report as a sex offender to complete a form documenting their reporting obligations to include when the person has waived their right to a hearing on the issue of reporting as a sex offender.
- Requires juvenile courts to forward any order directing a person to register as a sex offender to the Department of State Police.
- Requires registered sex offenders to report to specified reporting agencies within 10 days of a legal change of name.
- Requires registered sex offenders to report at least 21 days prior to any intended travel outside of the United States.
- Adds failing to report at least 21 days prior to any intended travel outside the United States and failing to report a legal change of name within 10 days to the list of acts constituting the crime of failure to report as a sex offender listed in ORS 163A.040.

HB 2375 – Evidence of Prostitution Resulting from Crime Reporting

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 105
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HB 2375 adds a sexual assault nurse examiner or a representative of a hospital to a sexual assault response team in each county.

HB 2393 – Dissemination of Intimate Images

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 304
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HB 2393 includes the following key provisions:

- Removes the requirement from the crime of unlawful dissemination of an intimate image that the image be disclosed through an Internet website.
- Removes from the crime of harassment the distribution of a visual recording of another person under the age of 18 engaged in sexually explicit conduct or in a state of nudity.
- Defines "identifiable" to mean that a reasonable person would be able to recognize the individual depicted in the image as the other person.
- Creates a civil cause of action for any person or person's parent or guardian depicted in an image disclosed resulting from commission of the crime of unlawful dissemination of an intimate image.
- Creates statutory damages of \$5,000 against any defendant or the parents or legal guardian of any minor found liable under ORS 163.472.
- Limits liability of minors or their parents to \$5,000 per plaintiff.
- Prohibits an award of statutory damages from being used as evidence of economic damages for purposes of determining restitution under ORS 137.106.

HB 2428 – Adds Masturbation in Public Place to Crime of Public Indecency

Effective Date: September 29th, 2019	2019 Oregon Laws Site: Chapter 65
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HB 2428 expands the crime of public indecency to include the act of masturbation while in, or in the view of, a public place.

HB 2625 –Missing and Murdered Native American Women

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 515
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HB 2525 Directs the Department of State Police to study how to increase criminal justice and investigative resources to address future and past cases of missing and murdered Native American women in this state, including Alaska Native women. The measure requires the Oregon State Police to report on the results of the study to an appropriate legislative committee no later than September 15, 2020.

SB 596 – Evidence of Prostitution Resulting from Crime Reporting

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 179
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SB 596 provides that any evidence obtained from an individual's report of the commission of a person's felony to law enforcement may not be used in a prosecution of the individual for prostitution or attempted prostitution.

SB 597 – Victim Use of Pseudonym, Initials or Other Signifier for Sexual Abuse Allegations

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 338
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SB 597 includes the following key provisions:

- Authorizes the use of a pseudonym, initials, or other signifier on an indictment, in lieu of the actual name of a victim of a crime alleging sexual abuse.
- Requires that a separate document containing the name must be simultaneously filed confidentially, with a copy provided to the defendant at arraignment, unless good cause is shown.
- Requires the court to unseal an indictment where the victim is truly named upon the entrance of a final judgment.
- Provides that a district attorney shall disclose to a self-represented defendant a copy of the document listing a victim's true name.
- States that a court shall enter an order prohibiting the defendant from copying or disseminating the document.

❖ TRAFFIC - MOTOR VEHICLE - HIGHWAY SAFETY

HB 2015 – Issuance of drivers licenses without proof of legal presence

Effective Date: August 9, 2019	2019 Oregon Laws Site: Chapter 701
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HB 2015 authorizes the Department of Transportation to issue, renew, or replace a noncommercial driver license, noncommercial driver permit, or identification card by providing a social security number assigned to them by the United States Social Security Administration or a written statement that the person has not been assigned a Social Security number. The measure eliminates the requirement that the applicant provide proof of legal presence in order to obtain the designated driver license/permit/ID card. The measure includes the following additional provisions:

- Establishes that the definition of “driver license” or “driver permit” for purposes of the measure is not a Real ID, Commercial driver license or Commercial learner driver permit.
- Requires the Department of Transportation to conduct an outreach program to educate license and permit applicants regarding provisions of the measure. The outreach program is set to end on January 2, 2023.
- Authorizes the Department of Transportation to create any form or application necessary to comply with the National Voter Registration Act of 1993.

HB 2236 – “Low Speed Vehicle” exemption for farm tractors

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 59
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HB 2236 allows farm tractors to operate on state highways that have a speed limit or posted speed of more than 35 miles per hour. House Bill 2236 provides that farm tractors do not qualify as "low-speed vehicles" for purposes of the offense of unlawful operation of a low-speed vehicle on the highway. This measure takes effect on January 1st, 2020 (2019 Oregon Laws, Chapter 59).

HB 2328 Unlawful Use of a Motor Vehicle Fix (Stolen Vehicles)

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 530
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SB 2328 addresses two 2015 Court of Appeals cases (State v. Shipe, 264 Or. App. 391 (2014); State v. Korth, 269 Or. App. 238, 243) that made a successful conviction for unlawful use of a vehicle impossible without a confession to the crime. The result was significant increases in the number of stolen vehicles throughout Oregon. SB 2328 includes the following key provisions:

- Modifies the mental state necessary to prove a person has committed the crime of Unlawful Use of a Vehicle.
- Requires the state to prove that the defendant knowingly took control of another's vehicle and was aware of and consciously disregarded a substantial and unjustifiable risk that the owner of a vehicle did not consent to the defendant's use of the vehicle.
- Provides that a person who knowingly rides in another's vehicle without the consent of the owner or authorized user is also guilty of unlawful use of a vehicle if the person knew, at the time, that the owner or authorized user did not consent to the use.

HB 2347 – Safety belt exemption for newspaper delivery

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 398
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HB 2347 clarifies that a driver actually delivering newspapers or mail while on his or her delivery route is exempt from seatbelt requirements.

HB 2471 – City traffic fine payment prohibition before hearing/written explanation

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 67
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HB 2471 prohibits cities from requiring a payment before the defendant can request a court hearing or submit a written explanation for a parking violation.

HB 2834 – Wildlife Corridor Action Plan

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 272
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- Requires the Oregon Department of Fish and Wildlife (ODFW) to collect, analyze, and develop the best available science and data related to wildlife connectivity.
- Requires ODFW and the Oregon Department of Transportation (ODOT) to use data to develop a Wildlife Corridor Action Plan (Plan) that provides guidance to all state agencies that includes a series of considerations. Requires ODFW to review the plan every five years.
- Requires ODFW to post the Plan on ODFW website, provide opportunity for public comment, and deliver a copy of the Plan to the Senate and House interim or regular committees relating to natural resources, prior to final adoption of the Plan.
- Requires ODFW to prepare a report on implementation of update including number of high priority wildlife corridors established or planned, post report on ODFW website, and deliver report to Senate and House interim or regular committees related to natural resources prior to final adoption of a proposed update.
- Requires ODFW to initiate work on Plan no later than January 1, 2020 and report findings and recommendations to interim or regular Senate and House committees relating to natural resources no later than September 15, 2022.
- Requires ODOT to establish a program to reduce wildlife-vehicle collisions in wildlife corridors (Program) identified in the Plan, which intersect with proposed or existing public roads.
- Requires the Program to include plans for creating or modifying road infrastructure to reduce wildlife-vehicle collisions and to promote public safety.
- Requires ODOT to establish a Program no later than December 31, 2023.
- Requires ODOT and ODFW to coordinate efforts to reduce wildlife-vehicle collisions based on data gathered, until ODOT establishes a Program.
- Requires ODOT to consider the benefit of including wildlife crossing as part of the project if the data suggests reduction of wildlife-vehicle collisions, until ODOT establishes a Program.
- Requires ODOT to submit a biennial report on the status of the Program to interim or regular Senate and House committees relating to natural resources that includes information on the number and types of wildlife corridor infrastructure projects established or planned and the realized or expected effect of wildlife corridor infrastructure projects on the number of wildlife-vehicle collisions. The first report is due no later than September 15, 2024

HB 3213 – County Safety Corridor Pilot Program

Effective Date: January 1 st , 2020	2019 Oregon Laws Site: Chapter 501
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- Directs the Department of Transportation to establish a safety corridor pilot program to evaluate the effectiveness of allowing counties to designate roads under their authority as safety corridors.
- Outlines requirements for county safety corridors.
- Outlines presumptive fines for offenses committed within county safety corridors.
- Establishes the County Safety Corridor Advisory Group to establish the criteria and requirements

for county safety corridors.

- Directs counties selected for the pilot program to submit the first report to an interim committee related to transportation by September 15, 2022, and second report by September 15, 2024. The pilot program sunsets on January 2, 2026.

HB 3214 – Hardship Permit Expansion to necessary services to a person/person’s family

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 215
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House Bill 3214 extends the authority of the Oregon Department of Transportation to issue hardship permits to allow drivers to provide necessary services to a person or member of a person's family. For purposes of the measure:

- The Oregon Department of Transportation is tasked with adopting a rule clarifying what will be considered necessary services.
- Necessary services include, but need not be limited to, grocery shopping, driving to medical appointments or school, and care for elderly family members.

Previous to the passage of HB 3214, hardship permits were available for applicants with certain driver license suspensions or for habitual offenders for the purposes of allowing them to drive to and from work; for job duties; to seek employment; or to attend rehabilitation programs. HB 3214 expands the allowable hardship permit purposes.

SB 107 – Natural gas and electric utility vehicle exemptions for stopping, standing, or parking

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 232
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- Exempts natural gas utility vehicles from prohibitions on stopping, standing, or parking when investigating or repairing a natural gas leak if immediate investigation is necessary and the natural gas utility vehicle displays a sign denoting emergency responder status.
- Exempts electric utility vehicles from prohibitions on stopping, standing, or parking when responding to an emergency if the vehicle is identified as an electric utility vehicle and there is also an emergency vehicle at the location, or the electric utility is investigating a downed or arcing utility line.
- Defines "electric utility" as an electric company or consumer-owned utility engaged in the business of distributing electricity to retail customers in the state.

SB 372 – Notification of Parties with Interest in Towed Vehicles

Effective Date: July 15th, 2019	2019 Oregon Laws Site: Chapter 547
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- Requires the tower to provide a notice to the owner and lienholder of the vehicle within three calendar days of towing a vehicle, or one calendar day if the lienholder's e-mail address is available in the electronic system established by the Oregon Department of Transportation.
- Reduces the amount a tower can claim in lien if the notice requirement was not satisfied.

SB 396 – Towing of Vehicles from Fuel Dispensaries

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 330
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SB 396 Allows a fuel dispensary to tow a vehicle that is hindering access to a fuel pump after two hours' notice.

SB 558 - Local Government Speed Limit Authority in Residential Districts

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 515
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Senate Bill 558 allows all cities and counties the authority to establish, by ordinance, a designated speed for a highway under their jurisdiction. The measure specifies that the designated speed must be five miles per hour lower than the statutory speed, that the highway be located in a residential district and not an arterial highway, and that the city provide appropriate signage of the designated speed.

❖ VICTIMS – VULNERABLE PERSONS – CHILD ABUSE – ELDER ABUSE

SB 729 – Adds Residents of Long Term Care Nursing Facility to EPDAPA Restraining Order

Effective Date: January 1st, 2020	2019 Oregon Laws Site: Chapter 93
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SB 729 removes exclusion of residents of long term care nursing facility from definition of "elder" for purposes of Elderly Persons and Persons With Disabilities Abuse Prevention Act (EPDAPA), thereby including such persons within Act. The EPDAPA is a type of restraining order that can be obtained by an elderly person, a person with a disability, or the guardian for a person, to prevent abuse. In order to obtain an EPDAPA, a person must show, by a preponderance of the evidence, that the person is in immediate and present danger of further abuse from the respondent and the abuse occurred within 180 days prior to filing the petition. An elderly person is defined as "any person 65 years of age or older who is not subject to the provisions of ORS 441.640 to 441.665[,]" the abuse reporting statutes for residents of long term care nursing facilities.

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