



This Legislative Summary Report highlights Criminal Justice policy measures that received a public hearing in a policy committee during the 2023 regular legislative session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

**Criminal Justice policy sub-topics:**

- [Adults in Custody](#)
- [Crimes and Violations](#)
- [Criminal Procedures](#)
- [Expungement](#)
- [Firearms](#)
- [Indigent Defense](#)
- [Juveniles](#)
- [Post Conviction Relief](#)
- [Public Safety](#)
- [Sexual Assault and Domestic Violence](#)

**Adults in Custody**

- [SB 343](#) ✓ Clarifies that “incarceration” means confinement in a Department of Corrections institution for persons who had their driver license suspended or revoked as part of a criminal sentence that included incarceration, as it relates to applications to have their driver license reinstated.
- [SB 529](#) ✓ Amends the alternative incarceration program statutes to allow the Department of Corrections to treat substance use disorders with a range of professional treatment services, recovery activities, engagement with peer mentors, educational and vocational services, and self-help groups.
- [SB 579 A](#) ✗ Would have allowed persons convicted of a felony to vote in elections while incarcerated, and specified residency determinations for voter registration.
- [SB 581](#) ✓ Expands eligibility for a reduction in supervision to individuals on post-prison supervision whose sentences were imposed before January 1, 2022.
- [SB 1027](#) ✗ Would have directed the State Board of Parole, upon a unanimous vote that an adult in custody’s terms of confinement should be changed to allow for release to post-prison supervision or work release, to set a release date to occur 60 days after the date of the hearing.
- [HB 2345](#) ✓ Directs the Department of Corrections to establish a dashboard with specific data regarding adults in custody placed in a disciplinary segregation unit on their public-facing website, effective February 1, 2024.
- [HB 2535](#) ✓ Establishes a doula program at the Coffee Creek Correctional Facility. Directs the Department of Corrections to develop procedures; restricts certain

mechanical restraint of pregnant or postpartum adults in custody during labor, delivery, or postpartum recovery in the hospital; and requires medically appropriate and least restrictive means of transport.

**HB 2731** ✗ Would have directed the Criminal Justice Commission, in collaboration with the Department of Corrections, to establish the Family Preservation pilot program administered by the YWCA of Greater Portland at the Coffee Creek Correctional Facility. Would have appropriated money to the program for the biennium beginning July 1, 2023.

**Note:** Provisions enacted as part of [SB 5506](#) (2023).

**HB 2890 A** ✗ Would have directed the Corrections Ombudsman to support the Department of Correction's (DOC) quality improvement efforts, required a report to the Governor and the Legislative Assembly on needed resources, and directed DOC to ensure mental health treatment for all persons in physical custody.

## Crimes and Violations

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**SB 326** ✓ Sets higher penalties for illegal cannabis operations that involve large quantities, environmental violations, or certain labor violations; prohibits water use for illegal cannabis operations; permits warrants to authorize surveillance tools for illegal cannabis operation enforcement; requires landowners to clean up sites of illegal cannabis production or manufacture; and permits enforcement of cleanup through public nuisance proceedings, liens for costs of cleanup, and injunctions.

**SB 340** ✓ Modifies Oregon law governing property crimes and organized retail theft, increases the time period in which prosecutors may aggregate the value of the stolen property, modifies the venue provision, and specifies that a person commits theft in the first degree if the individual creates a risk of serious physical injury during a theft.

**SB 577** ✓ Modifies use of force law, seeks to align provisions related to using force against minors with current law, and deletes language related to using force against incompetent adults.

**SB 615** ✓ Modifies the definition of, and reduces penalty for, offense of organizing a speed racing event unless it is a repeat offense. Changes the definition of reckless driving to include conduct associated with speed racing, and adds reckless driving to offenses for which, if convicted, a defendant's property may be subject to criminal forfeiture.

**SB 787** ✗ Would have made it a Class C felony to assault a transit operator acting in the course of official duty, or to propel bodily fluids, excretions, or other dangerous substances at a transit operator acting in the course of official duty.



- SB 810 ✓ Clarifies that using an unmanned aircraft system to intentionally interfere with an aircraft is a Class A misdemeanor and is elevated to a Class A felony for knowingly, intentionally, or recklessly causing serious physical injury or death with the interference.
- SB 957 ✓ Expands the number and types of prior convictions that qualify to enhance the crime of public indecency to a Class C felony and modifies the crime of luring a minor to include engaging in sexual conduct in the immediate presence of the minor to induce the minor to engage in sexual conduct.
- SB 974 ✓ Creates a new crime of sexual abuse by fraudulent representation if the person is a medical professional and knowingly subjects another individual to sexual contact and falsely or fraudulently represents that the sexual contact serves a legitimate medical purpose.
- SB 1052 ✓ Expands the crime of subjecting another person to involuntary servitude, increases the penalties when the victim is a minor, and requires training for various governmental agencies and law enforcement.
- HB 2129 ✓ Exempts individuals from prosecution who receive or use an illegally recorded communication about a matter of public concern but did not participate in initially obtaining the recording.
- HB 2316 ✓ Amends multiple statutes related to driving under the influence of intoxicants (DUI). Expands the offense of DUI to include being under the influence of any impairing drug; removes the requirement that impairment by a controlled substance or an inhalant be pleaded in the accusatory instrument; removes certain driving restrictions for persons convicted of DUI involving a bicycle; and removes certain restrictions on participation in diversion for the crime of DUI relating to persons who have participated in rehabilitation programs within 15 years of a present offense for DUI.
- HB 2328 ✓ Modifies the definition of “oral or sexual intercourse” for purposes of sex crimes and expands the crime of using a child in a display of sexually explicit conduct to include when a person knowingly records in a visual recording a child participating or engaging in sexually explicit conduct.
- HB 2593 ✗ Would have modified penalties for the crime of offensive littering, lowering it to a Class B violation unless the person discards refuse of one cubic foot or more, in which case it would remain a Class C misdemeanor.
- HB 2594 ✓ Modifies penalties for crime of throwing lighted material onto certain property, lowering it to a Class A violation unless the offense is committed on applicable land during a fire season, or the offense results in the ignition of a fire, in which case it would remain a Class B misdemeanor.
- HB 2645 ✓ Establishes a Class A misdemeanor penalty for possession of certain amounts of fentanyl and adds a user unit measurement of fentanyl to calculate the crime



category level for certain offenses involving possession, delivery, or manufacture of fentanyl.

- HB 2772 ✓ Creates a new crime of domestic terrorism in the first and second degree.
- HB 2919 ✗ Would have provided immunity to a registered nurse who makes a medical error while providing patient care in good faith.
- HB 3006 ✗ Would have increased the age of people who must wear a personal flotation device on a boat to 15 years old or younger and would have required such individuals to wear a personal flotation device while using a floating item outside of specified swimming areas, with violations subject to a presumptive fine of \$25.
- HB 3035 ✗ Would have created the crime of threatening a mass injury event.
- HB 3384 A ✗ Would have amended the crimes of animal abuse in the first degree and aggravated animal abuse in the first degree and classified them as crime category seven on the sentencing guidelines grid in certain circumstances. Would have amended prohibitions on animal ownership and established a mandatory fine of \$100 for each animal a person is convicted of having committed a listed offense against. Would have established the Proper Animal Husbandry Fund and directed mandatory fines to be deposited. Would have required the Oregon State University Extension Service to establish a program for awarding grants to organizations that teach proper animal husbandry and animal care to youths.
- HB 3443 ✓ Makes changes to bias crime laws and aspects of the bias crime reporting hotline, including making victims of bias crimes and incidents eligible for address confidentiality, protected leave from work, and certain landlord-tenant law protections.

## Criminal Procedures

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- SB 188 ✗ Would have repealed the Oregon law that prohibits the court from excluding relevant, and otherwise admissible, evidence when that evidence was obtained in violation of any statutory provision unless exclusion of the evidence is required by the United States or Oregon Constitutions, rules of evidence governing privileges and hearsay, or the right of the press.
- SB 317 ✓ Amends Oregon law ([ORS 40.460](#) [2021]) to state that the rule requiring corroboration evidence for certain hearsay statements to be admitted applies in juvenile delinquency cases.



- SB 339 ✓ Adds the crime of harassment for the touching of a sexual or intimate part of another to the list of crimes for which a court may order sex offender treatment as part of supervision requirements.
- SB 566 ✗ Would have amended Oregon law so that a lack of verbal or physical resistance, by itself, does not constitute a lack of consent or inability to consent.
- SB 567 ✗ Would have modified the definition of "sexual contact" to require a person act intentionally when engaging in sexual contact under current law and would have expanded the definition to include when a person is acting with the intent to abuse, humiliate, harass, annoy, or degrade the person.
- SB 568 ✓ Provides that an Oregon court is not required to hold a hearing on a petition to vacate a defendant's requirement to install an ignition interlock device while participating in diversion program if there is no objection and the defendant files the necessary paperwork with the motion.
- SB 597 ✓ Reinstates the obligation that certifying agencies submit data to the Criminal Justice Commission about requests they receive for victim helpfulness certification relating to nonimmigrant visas, and requires that certifying agencies also report whether they received no requests.
- SB 618 ✓ Provides that a court shall, in determining aggravating factors at the time of sentencing, consider whether, at the time of committing the crime, the person was wearing body armor during and in furtherance of the crime, or to facilitate the immediate flight therefrom.
- SB 817 ✗ Would have allowed a person charged with a misdemeanor or non-person Class C Felony, other than driving while under the influence of intoxicants, to enter into a pre-plea probation agreement. If the person violated the terms of the agreement, the individual would have not been allowed to contest the admissibility of the evidence against them, but would have been allowed to contest the sufficiency of such evidence.
- SB 867 ✓ Permits the proponent of a declarant's hearsay statement to offer it as substantive evidence if the proponent can show by a preponderance of the evidence that the opposing party caused the declarant to be unavailable and, as a result, the declarant is not present to testify.
- SB 954 ✓ Authorizes issuance of a search warrant in any judicial district where there is interrelated conduct relating to certain controlled substance, psilocybin, or marijuana crimes. Clarifies that a duly authorized senior judge may issue a search warrant. Specifies a non-exclusive list of persons who may accompany law enforcement in the execution of a search warrant.
- SB 1060 ✓ Modifies the evidence that can be considered to substantiate a "physical injury" under the Oregon Criminal Code, and specifies types of physical injuries that



constitute "physical trauma." The measure applies to conduct occurring on or after the effective date of the measure.

- HB 2309 ✗ Would have required law enforcement to obtain a blood or buccal (e.g., cheek) sample of a person arrested for a felony, a sex crime, or burglary in the first degree.
- HB 2323 ✗ Would have provided that any prescribed culpable mental state for an offense applies to each material conduct element unless the statutory language or legislative intent plainly indicates otherwise.
- HB 2676 A ✗ Would have updated the rules governing compensation eligibility criteria to expand who is eligible, remove certain prohibitions, and provide more flexibility to the Oregon Crime Victims' Compensation (CVC) Program to provide compensation. Would have sought to update compensation limits and costs eligible for compensation, eliminate certain notice requirements, and protect application information submitted as part of a compensation request.
- HB 2719 ✓ Requires that any testing for HIV and any other communicable disease ordered by the court be done within 48 hours of the defendant's arraignment on the indictment, and be provided to the victim or their guardian as soon as practicable.

## Expungement

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- SB 519 ✓ Expands automatic expungement to include records for youth who are within the jurisdiction of juvenile court for acts that, if committed by an adult, would constitute a violation or misdemeanor, and would reduce the number of years a youth must wait before applying for expungement of records that do not qualify for automatic expungement once the youth is 18 years of age.
- SB 697 ✗ Would have eliminated the look-back period for arrests, citations, or charges so that a person may move to set aside an arrest, citation, or charge for any class of crime or violation. Would have provided that if a person is found in contempt of court for certain violations of court orders, the finding would have blocked the person for a specific time period from being able to file a motion to set aside.
- SB 698 ✗ Would have directed the Oregon Judicial Department to develop an automated system for identifying eligible criminal records to be sealed, and directed the court to seal the eligible records.
- SB 1065 ✗ Would have permitted a person charged with a qualifying possession of a controlled substance conviction to move the court for an order setting aside the conviction and sealing the record.



## Firearms

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- SB 348 A ✗ Would have required a permit to purchase a firearm on or after July 1, 2024. Would have provided that only persons 21 years of age or older may use the permit to purchase a handgun or a semi-automatic firearm. Would have increased from 30 to 60 the number of days within which the permit agent must approve or deny a permit and required a 72-hour wait period between the purchase and transfer of a firearm.
- SB 393 A ✗ Would have required a 72-hour wait period between the purchase and transfer of a firearm from a federally licensed gun dealer.
- SB 527 ✗ Would have created an exception to Oregon's anti-discrimination law and permitted a gun dealer to raise the minimum age for purchasing a firearm to 21 years of age and provide that the exception applies to causes of action before or after the effective date of the measure, unless a final judgment has been entered before the effective date of the measure.
- HB 2005 ✓ Makes it illegal for an individual to own a firearm that has no metal parts. Makes it illegal to own a firearm or firearm part that does not have a serial number. Gives an owner one year to have their firearm or firearm parts serialized.
- HB 2006 ✗ Would have prohibited those under 21 years of age from possessing certain categories of firearms, permitted those over 18 years of age to possess certain other categories of firearms, and allowed a parent or guardian to temporarily transfer certain categories of firearms to minors.
- HB 2007 ✗ Would have authorized governing bodies (e.g., a city or county) to adopt a policy, ordinance, or regulation precluding the carrying of firearms on its property.
- HB 3513 ✗ Would have allowed a federally licensed gun dealer, or any person who may lawfully possess firearms, to enter into a firearm hold agreement with a firearm owner for an agreed-upon period of time.

## Indigent Defense

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- SB 337 ✓ Modifies the makeup of the Oregon Public Defense Commission (OPDC); transfers the commission from the judicial branch to the executive branch; modifies the duties of the commission and delivery models of public defense services; and includes the OPDC in the definition of "state agency," removing its exemption from certain regulatory oversight, standards, and processes.
- HB 2467 A ✗ Would have created the Public Defense Services Student Loan Repayment Assistance Program, and allowed the Public Defense Services Commission to provide grants to support recruitment efforts. Would have required reports to



the Legislative Assembly and directed the Office of Public Defense Services to develop training.

## Juveniles

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| SB 212   | ✓ | Makes most communications between an employee of Oregon Youth Authority, or a county juvenile department and a peer support team member, confidential and exempt from public records laws, with specified exceptions.   |
| SB 470 A | ✗ | Would have established the Youth in Custody Health Services Advisory Committee within the Oregon Health Authority (OHA) to provide guidance to OHA and develop policy recommendations to ensure continuity of care and access to health care for youths detained in juvenile detention facilities.  |
| SB 745   | ✓ | Requires a county juvenile department to ensure any youth in the juvenile delinquency system be screened to determine whether they are a victim of sex trafficking, and then be referred to appropriate services when necessary. Directs the Department of Justice to develop training related to screening and sex trafficking more broadly. |
| SB 763   | ✗ | Would have modified when an employer, state agency, or licensing board could take action based on juvenile records, with specific exceptions.   |
| SB 902   | ✓ | Allows a person over 20 years of age at the time of resentencing after January 1, 2020, following an appellate or post-conviction relief proceeding for a crime committed when the person was under 18 years of age, to remain in the custody of the Oregon Youth Authority.  |
| SB 903   | ✓ | Directs the Oregon Youth Authority (OYA) to collect and regularly review demographic data of staff and adjudicated youth in the agency's care, and requires OYA to consider demographic disparities among adjudicated youths and staff in developing culturally appropriate programs.   |
| SB 904   | ✓ | Directs the Oregon Youth Authority (OYA) to ensure the maximum allowable population for each facility is consistent with a minimum ratio of youth to staff responsible for supervision. It requires OYA to establish the minimum ratio by administrative rule.  |
| HB 2320  | ✓ | Establishes a Juvenile Justice Policy Commission to analyze the juvenile justice system and provide the Legislative Assembly with data-driven policy recommendations to improve public safety, youth outcomes, and system disparities.  |
| HB 2327  | ✗ | Would have narrowed the exclusive original jurisdiction of juvenile courts to youth between the ages of 12 and 18 years of age and permitted county juvenile departments to provide preventative services to youth under 12 years of age.   |





- HB 2372 ✓ Changes the duties and purpose of the Youth Development Council (YDC) and the Youth Development Division (YDD). Allows YDC to delegate tasks to YDD. The measure expands the role of YDC to review high-risk youth crime prevention plans with federally recognized Indian tribes. Requires YDC to send funds to Indian tribes to support tribal high-risk youth prevention plans.

## Post-Conviction Relief

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- SB 321 ✓ Creates a process by which a person convicted or found guilty, except for insanity, by a nonunanimous jury verdict may file a petition for post-conviction relief until December 30, 2024, and appropriates funds for expenses related to carrying out the measure.
- SB 554 A ✗ Would have provided a process by which a person may seek post-conviction relief at any time after a conviction based on currently available relevant forensic scientific evidence or evidence that undermines forensic scientific evidence presented in the proceedings, resulting in the petitioner's conviction.

## Public Safety

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- SB 211 ✓ Repeals the sunset on the Department of Corrections (DOC) corrections officer training pilot program and allows DOC to continue to provide basic certification training to DOC corrections officers.
- SB 318 A ✗ Would have appropriated funds to the Department of Justice for analyst and investigator positions to coordinate with local law enforcement investigators, prosecutors, and private sector loss prevention personnel tasked with investigating and prosecuting organized retail theft.
- SB 344 ✓ Extends the sunset date for the Justice Reinvestment Grant Program from July 1, 2024 to July 1, 2033.
- SB 586 ✓ Makes restorative justice communications made in community-based programs confidential, exempt from public disclosure, and inadmissible as evidence except in limited circumstances.
- SB 619 ✓ Allows consumers to access and control data about their online activities. The measure applies to businesses that collect or use the data of a certain number of people, with exceptions. The measure directs how the business collects, uses, and shares data. The person can get a copy of the data and ask the business to fix, delete, or stop sharing the data. The measure allows the Attorney General to enforce the law.
- SB 696 ✗ Would have funded a statewide animal-cruelty-focused attorney within the Oregon Department of Justice.



- SB 766 A ✗ Would have added a category of Illegal Marijuana Market Enforcement (IMMEGP) grants for costs incurred by the Oregon State Police in addressing illegal cannabis production. Would have allocated \$51 million in General Funds to the Criminal Justice Commission for all IMMEGP grants and \$750,000 to the Department of Justice for labor trafficking prosecution associated with unlawful marijuana cultivation or distribution operations.
- SB 779 ✗ Would have created minimum education requirements for police officers, corrections officers, parole and probation officers, regulatory specialists, certified reserve, and reserve officers.
- SB 808 ✓ Modifies the appointing authority and the chair of the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission) and includes clarifying language governing the Commission.
- SB 895 ✓ Permits a person to pass in a no-passing zone if there is an obstruction, which includes a bicyclist or another vehicle traveling at less than one-half of the posted speed, and the person drives at least five miles under the posted speed limit in the lane left of the center of the roadway.
- SB 900 ✓ Creates and funds an Organized Retail Theft Grant Program to assist counties, cities, Oregon State Police, and community-based organizations to address organized retail theft.
- SB 915 ✗ Would have created a Deadly Force Prosecution Unit within the Department of Justice to investigate and prosecute law enforcement use of force cases that result in death and appropriated funding to fund the unit.
- HB 2303 ✗ Would have required the Department of State Police to create a statewide system for the electronic application and issuance of search warrants.
- HB 2304 A ✗ Would have required the Department of Public Safety Standards and Training to establish a program to provide funds for the care of retired law enforcement dogs.
- HB 2306 ✗ Would have appropriated General Fund dollars to the Department of State Police to increase its capability to conduct analyses of blood for controlled substances.
- HB 2308 ✗ Would have required all district attorneys to be paid at the same rate.
- HB 2391 A ✗ Would have appropriated to the Department of Justice \$25.4 million from the General Fund to fund county victim assistance programs, and fund at least one victim assistance advocate per county district attorney office.
- HB 2732 ✓ Appropriates \$6 million to the Department of Justice for distribution to eligible Children's Advocacy Centers (CACs).



- HB 3275 ✓ Clarifies what categories of adults on county supervision through the Grant-in-Aid Program would return to state supervision if the community corrections appropriation was below the current service level.
- HB 3364 ✗ Would have required the Department of State Police laboratory to test a person's blood or urine for alcohol, cannabis, or a controlled substance within 90 days of receiving the sample in a prosecution for the crime of driving while under the influence of intoxicants.
- HB 3392 ✗ Would have allowed the removal authority of evidential property, abandoned property, found property, or stolen property to either publish notice of intent to dispose of the unclaimed property in a local newspaper or publish notice online.

## Sexual Assault and Domestic Violence

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- SB 816 ✓ Amends the duration of certain restraining orders from one year to two years unless the order is withdrawn or amended.
- SB 1070 A ✗ Would have authorized a court to impose a lesser sentence even if the sentence is mandatory or otherwise required by law if the court found by a preponderance of the evidence that the defendant was subjected to domestic abuse that was ongoing at the time a defendant's criminal behavior occurred and was a contributing factor in the criminal behavior as outlined by the measure. Would have created a procedure by which an individual currently serving a sentence may petition the court for resentencing if person experienced domestic abuse that was a contributing factor in criminal behavior.
- HB 2479 ✗ Would have granted certain immunities to children's advocacy centers and employees and designated agents of children's advocacy centers.
- HB 2933 ✗ Would have appropriated \$10 million from the General Fund to the Department of Justice for deposit into Oregon Domestic and Sexual Violence Services Fund.
- HB 3018 ✗ Would have appropriated \$5 million from the General Fund to the Department of Justice to assist victims of domestic violence and sexual assault with housing needs.
- HB 3114 ✗ Would have prohibited a hotel or innkeeper from requiring a qualified victim services provider to disclose personal information of a victim of domestic violence, sexual assault, or stalking.
- HB 3345 ✗ Would have allowed for the prosecution to be commenced at any time after the commission of the crimes of rape in the second degree, sodomy in the



second degree, or unlawful sexual penetration in the second degree if the defendant is identified on the basis of DNA.

**HB 3632**

Increases the statute of limitations from 12 years to 20 years for sex abuse offenses in the first degree. The measure applies to offenses committed before, on, or after the effective date of the bill, but does not apply to those offenses if the statute of limitations expired before passage of the bill.

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