

2019 SUMMARY OF LEGISLATION



JUDICIARY



JUDICIARY MEASURES

Animals	Enacted	SB 638, HB 2500
	Not Enacted	SB 723
Business Entities	Enacted	SB 359, SB 360, HB 2598
	Not Enacted	-none-
Civil Actions	Enacted	SB 113, SB 290, SB 369, SB 421, SB 474, HB 2096, HB 2596, HB 3216, HB 3293
	Not Enacted	SB 728, SB 843, SB 1040, HB 2014, HB 2882, HB 3164
Courts	Enacted	SB 596, SB 597, SB 708, SB 729, SB 783, SB 873, SB 977, HB 2013, HB 2240, HB 2400, HB 2480, HB 3008
	Not Enacted	SB 473, SB 757, SB 858, HB 2238, HB 2239, HB 2241, HB 2244, HB 2258, HB 2771, HB 3360, HB 3388
Crimes	Enacted	SB 509, SB 577, SB 581, SB 596, SB 962, SB 1013, HB 2328, HB 2393, HB 2428
	Not Enacted	HB 2299, HB 2338, HB 2797, HB 2959
Criminal Procedures	Enacted	SB 321, SB 362, SB 375, SB 596, SB 59, SB 962, SB 1002, HB 2399, HB 2462, HB 2480, HB 2932, HB 3201, HB 3224
	Not Enacted	HB 2615, HB 3145, HJR 10
Data Information and Privacy	Enacted	SB 577, SB 684, HB 2395, HB 2401, HB 2514
	Not Enacted	SB 703, SCR 4, HB 2842, HB 2866

Domestic Relations	Enacted Not Enacted	SB 318, SB 363, SB 385, SB 1011 SB 371, SB 736, HB 2771
Education	Enacted Not Enacted	HB 3077, HB 3415 SB 912-A, SB 971-A
Elections	Enacted Not Enacted	-none- SB 952
Employment and Labor Regulation	Enacted Not Enacted	SB 358, SB 423, SB 424, SB 576, SB 725, SB 775, HB 2472, HB 2589 SB 279, SB 357, SB 379, SB 383, SB 773, HB 2046, HB 2230, HB 3338
Fiduciary and Protective Proceedings	Enacted Not Enacted	SB 31, SB 361, SB 376, HB 2601 SB 681, SB 682, SB 891
Firearms	Enacted Not Enacted	HB 2013 SB 1040, HB 3388
Incarceration	Enacted Not Enacted	SB 269, SB 488, SB 495, SB 498, SB 924, HB 2515, HB 2631, HB 3146, HB 3249, HB 3289 HB 2230, HB 3300
Juveniles	Enacted Not Enacted	SB 924, SB 1008, HB 2227, HB 2489, HB 3077, HB 3261 SB 299, SB 912, HB 3047
Mental and Behavioral Health	Enacted Not Enacted	SB 24, SB 25, SB 184, SB 297, SB 373, SB 375, SB 973, HB 2400 SB 378, SB 762, SB 763
Post Prison and Reentry	Enacted Not Enacted	SB 388, SB 420, SB 775, SB 975, HB 2045, HB 2631, HB 3064 SB 773, SB 992, HB 3164

Probate	Enacted Not Enacted	HB 3006, HB 3007, HB 3008 SB 843
Public Records	Enacted Not Enacted	HB 2051, HB 2353, HB 2430 HB 2431
Real Property and Housing	Enacted Not Enacted	SB 11, SB 873, HB 2285, HB 2459, HB 2466, HB 2485 SB 380
Regulated Substances	Enacted Not Enacted	SB 185, SB 420, SB 582 SB 111, SB 379, SB 591, SB 965
Sexual Assault and Domestic Violence	Enacted Not Enacted	SB 269, HB 2625, HB 3117, HB 3293, HB 3415 SB 606, SB 912, HB 2657, HB 2750
Vehicles and Transportation	Enacted Not Enacted	SB 396, SB 421, SB 509, SB 548, SB 759, SB 797, SB 810, SB 998, SB 999, HB 2471, HB 3005 SB 7, SB 965, HB 2614, HB 3335, HB 3336, HB 3337

Picture: Supreme Court Building, Marion County – [Gary Halvorson, Oregon State Archives](#)

TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Description	Deadline
SB 269	Directs the Oregon Department of Corrections to forward a final Prison Rape Elimination Act (PREA) audit report for each correctional facility for women to the interim committees related to judiciary.	No later than the February 1 following federally required final audit.
SB 577	Directs the Oregon Criminal Justice Commission to analyze bias crime data received from law enforcement agencies and report its findings to the Legislative Assembly	July 1, 2021
SB 962	Directs certifying agencies to report annually to Criminal Justice Commission beginning June 1, 2021. Directs the Criminal Justice Commission to submit report to interim committees of Legislative Assembly related to judiciary.	January 2, 2023
SB 973	Directs the Improving People's Community-based Treatment, Supports, and Services Grant Review Committee to submit a report by January 1 of each odd-numbered year to the Legislative Assembly on costs to state government avoided as a result of the program and any increased costs to local government. Directs the committee to submit an annual report on the outcome measures or results of evaluations of the program to the interim committees on health and judiciary and to the Governor.	No later than January 1 of each off-numbered year.
HB 2625	Directs Oregon State Police to study how Department resources addressing the investigation of missing and murdered Native American women can be increased and to report back to the Legislative Assembly.	September 15, 2020
HB 2631	Directs Department of Corrections and Criminal Justice Commission to evaluate the pilot program established by HB 2631 and report the results to an interim committee of the legislature related to corrections.	September 15, 2021

HB 3289	Directs Criminal Justice Commission to study the manner, means, costs, and barriers to providing health care at local and regional correctional facilities in counties across Oregon and to report the findings of the study to the Legislative Assembly.	September 15, 2020
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[Senate Bill 7](#)

Not Enacted

Blood Alcohol Limit for Driving and Boating

Chief Sponsors: Sens. Courtney, Steiner Hayward

Committees: Senate Judiciary

Background and Current Law: Under current Oregon law, a person can be found guilty of driving under the influence of intoxicants (DUII) if the person drives a vehicle while that person: 1) has a .08 percent or more of alcohol in their blood by weight; 2) is under the influence of alcohol, cannabis, other controlled substances, or inhalants; or 3) is under the influence of any combination of alcohol, cannabis, other controlled substances, or inhalants. The alcohol level in the person's blood is determined by testing the individual's breath, blood, or urine. Similarly, a person may not operate, propel, or be in physical control of a boat while under the influence of alcohol, cannabis, or other controlled substances, which can be shown by evidence of a .08 percent blood alcohol level or higher.

Bill Summary: Senate Bill 7 would have lowered the percent blood alcohol level that could be used to show the intoxication of a vehicle driver or boat operator from .08 percent to .05 percent.

[Senate Bill 11](#)

Effective Date: January 1, 2020

Redemption Right Notices

Chief Sponsors: Sens. Monnes Anderson, Gelser

Committees: Senate Judiciary, House Judiciary

Background and Current Law: When real property enters a judicial foreclosure, a homeowner has 180 days after the sale of the property in which to pay the outstanding amount owed and regain the property. Owners beginning the foreclosure process may sell the redemption right to a third party. When the property is sold, it may be for a price that is higher than the amount owed. The redemption rights do not transfer to the buyer, resulting in a situation in which a third party may both retain the excess funds from the sale and hold the property for 180 days post-sale.

Bill Summary: Senate Bill 11 requires notice be given to a potential seller noting that the person may be giving up the redemption rights and the right to surplus funds. Similar warnings must be posted on the sheriff's website prior to sale of the property and be included in the complaint to foreclose a residential trust deed.

Oregon Laws 2019: Chapter 309

[Senate Bill 24](#)

Effective Date: July 15, 2019

Aid and Assist Reform

At the request of: Governor Kate Brown for Oregon Health Authority

Committees: Senate Judiciary, House Judiciary, Conference Committee

Background and Current Law: The average daily population of defendants committed to the Oregon State Hospital (OSH) for the purpose of restoring their fitness to proceed and for a fitness to proceed evaluation has increased steadily from 109 in January 2012, to 259 in January 2019.

Bill Summary: Senate Bill 24 makes changes to the fitness to proceed process by requiring courts to consider alternatives for a defendant who does not require a hospital level of care and only allowing for the commitment to OSH of persons who have committed misdemeanors when a hospital level of care is necessary. The measure 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.

Oregon Laws 2019: Chapter 538

[Senate Bill 25](#)

Effective Date: June 11, 2019

Fitness to Proceed Evaluation Process

At the request of: Governor Kate Brown for Oregon Health Authority

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Criminal proceedings against a defendant who is unable to aid in their own defense are suspended until the defendant is fit to proceed. Defendants have a constitutional right to transfer to the Oregon State Hospital (OSH) within seven days for a fitness to proceed evaluation. Reports suggest that defendants with mental health issues currently wait between three to six weeks for evaluations. An interim work group identified the need for efficient record collection and order delivery to facilitate timely evaluations.

Bill Summary: Senate Bill 25 requires entities to release a defendant's medical records within five days of the court order, or within 15 days for specified public entities. It allows OSH to file forensic evaluations electronically and requires the court to provide any rehabilitative service order to the appropriate provider by the end of the next business day.

Oregon Laws 2019: Chapter 311

[Senate Bill 31](#)

Effective Date: January 1, 2020

High-Risk Teams

At the request of: Governor Kate Brown for Long Term Care Ombudsman

Committees: Senate Human Services, Senate Judiciary, House Judiciary

Background and Current Law: In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of Long Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary.

Bill Summary: Senate Bill 31 allows the OPGC to establish both county and statewide high-risk teams. The teams are charged with discussing situations in which highly vulnerable adults are at risk for serious harm, or are currently experiencing harm, and to identify available options for addressing the safety risk. Teams must have a written protocol, including a policy to keep all information and records acquired by the team confidential, except in cases in which it is disclosed to a specific individual who can prevent or lessen a serious threat to the health or safety of the person or public.

Oregon Laws 2019: Chapter 96

[Senate Bill 111-A](#)

Not Enacted

Wine Labels and Taxation

At the request of: Senate Interim Committee on Business and Transportation

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Oregon law requires the label on a bottle of wine to precisely and clearly indicate the contents of the bottle and not mislead on age, composition, quantity, or quality.

Bill Summary: Senate Bill 111-A would have required the Oregon Liquor Control Commission (OLCC) to develop standards for wine labeling, including use of appellation of origin. The measure would have allowed OLCC to assess a fine and develop a fine schedule based on the number of prior occurrences and severity of the conduct.

[Senate Bill 113](#)

Effective Date: January 1, 2020

Attorney Fees in Actions Against Vehicle Dealers

At the request of: Senate Interim Committee on Business and Transportation

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: Current statute provides a cause of action against a vehicle dealer and the dealer's surety if the dealer engages in fraud, or otherwise violates the vehicle code in relation to vehicle registration, vehicle permits, the transfer or alteration of vehicles, or the regulation of vehicle dealers.

Bill Summary: Senate Bill 113 authorizes civil actions against vehicle dealers and awards attorney fees for violations relating to delayed title transfer, delayed notice of transfer, and failure to furnish the certificate of title within 90 days of transfer.

Oregon Laws 2019: Chapter 543

[Senate Bill 184](#)

Effective Date: January 1, 2020

Involuntary Medication to Ensure Fitness to Proceed

At the request of: Attorney General Ellen Rosenblum

Committees: Senate Judiciary; House Judiciary

Background and Current Law: If a defendant is unable to aid in their own defense, the proceeding against the defendant is suspended until the defendant has gained, or regained, their "fitness to proceed." The U.S. Supreme Court has articulated standards by which an individual can be involuntarily medicated to help them gain, or regain, their fitness to proceed. In a 2014 decision, the Oregon Supreme Court rearticulated and applied those requirements in an Oregon case.

Bill Summary: Senate Bill 184 codifies the requirements announced by the U.S. and Oregon Supreme Courts. Additionally, it adds commitment of an extremely dangerous person with mental illness to the list of commitment statutes a court may consider if criminal charges are dismissed where fitness to proceed has been raised.

Oregon Laws 2019: Chapter 318

[Senate Bill 185](#)

Effective Date: June 4, 2019

Tobacco Master Settlement Agreement

At the request of: Attorney General Ellen Rosenblum

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In 1998, Oregon and 45 other states settled a long-running claim against the four largest tobacco manufacturers for smoking-related claims. Statutory items related to the settlement are found at ORS 323.800-806 and are referred to as the Master Settlement Agreement (MSA).

Bill Summary: Senate Bill 185 addresses the voluntary closing of an account by allowing a manufacturer to assign the interest earned by funds in an escrow account to the state. The measure requires that such assignments, if properly executed, are irrevocable and must be deposited into the Tobacco Settlement Fund Account. Additionally, it requires distributors of tobacco products to certify to the Attorney General that a distributor has purchased cigarettes or roll-your-own tobacco directly from the manufacturer or importer prior to affixing a stamp to packages of cigarettes or roll-your-own tobacco.

Oregon Laws 2019: Chapter 240

[Senate Bill 269](#)

Effective Date: January 1, 2020

Sexual Assault in Correctional Facilities

Chief Sponsors: Sen. Olsen

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Prison Rape Elimination Act (PREA) allows the U.S. Department of Justice to establish national standards for all prisons, jails, lock-ups, and detention facilities which are designed to eliminate sexual assaults and sexual misconduct involving persons in state custody. Each of the Oregon Department of Corrections (DOC) facilities receives a national audit every three years to verify compliance with PREA standards.

Bill Summary: Senate Bill 269 requires DOC to forward a final PREA audit report for each correctional facility for women to the interim committees related to judiciary no later than the February 1 following a final audit report.

Oregon Laws 2019: Chapter 323

[Senate Bill 279-A](#)

Not Enacted

Student Loan Servicers

Chief Sponsors: Sens. Taylor, Bentz, Knopp, Roblan; Rep. Power

At the request of: Attorney General Ellen Rosenblum

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: As of 2018, analysts report there are over 44 million Americans with student loan debt, totaling \$1.5 trillion. Billing and processing payments for student loans are handled by a variety of loan servicers and are largely unregulated at the state level.

Bill Summary: Senate Bill 279-A would have required student loan servicers to obtain a license from the Department of Consumer and Business Services (DCBS). The measure would have given DCBS authority to regulate student loan servicers and provided a variety of requirements for a servicer before they could do business in Oregon. Additionally, the measure would have required the Higher Education Coordinating Commission to establish and operate a student loan counseling program for students.

[Senate Bill 290](#)

Effective Date: January 1, 2020

Volunteer Firefighters

Chief Sponsors: Sens. Hansell, Johnson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In the 2018 fire season, the Oregon Department of Forestry reports that 1,055 wildfires in the state burned over 75,000 acres, with 219 fires caused by lightning and 836 caused by human activity. Responders to wildfires may include state employees, local firefighters, contracted wildfire crews, and local agencies.

Bill Summary: Senate Bill 290 extends civil liability protection for injuries to person or property that arise from an individual's voluntary efforts to fight wildfire on private cropland, pasture, or rangeland.

Oregon Laws 2019: Chapter 245

[Senate Bill 297](#)
Civil Commitment from Indian Country

Effective Date: January 1, 2020

Chief Sponsors: Sen. Hansell

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Under current Oregon law, tribes cannot directly commit individuals in Indian country to the Oregon Health Authority. The statute that provides a process for tribal judges to make emergency civil commitments for individuals in Indian country, triggering the commitment process in circuit court, is limited in scope to those tribes where the state does not have civil jurisdiction. In Oregon, those are the Confederated Tribes of Warm Springs and the Burns Paiute Tribe.

Bill Summary: Senate Bill 297 allows judges of federally recognized tribes to initiate civil commitment proceedings and to utilize the procedures for emergency civil commitment in Indian country.

Oregon Laws 2019: Chapter 247

[Senate Bill 299-A](#)

Not Enacted

Health Care for Juveniles Awaiting Adjudication in Detention

Chief Sponsors: Sens. Hansell, Fagan

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Federal law prohibits the use of federal Medicaid moneys to fund health or mental health services for detained youth awaiting adjudication. In Oregon, when a youth is placed in detention, their Medicaid benefits must be suspended.

Bill Summary: Senate Bill 299-A would have prohibited denial of medical assistance for youth held in detention pending adjudication. The measure also required the Oregon Health Authority (OHA) to seek Medicaid to support the coverage of those children by July 1, 2022, and required OHA, juvenile department directors, and the Oregon Youth Authority to study barriers to the provision of health care to those children.

[Senate Bill 318](#)

Effective Date: January 1, 2020

Order of Equal Parenting Time

Chief Sponsors: Sen. Thatcher

Committees: Senate Judiciary, House Judiciary

Background and Current Law: After parents have separated or dissolved their marriage, they may devise their own parenting plan that defines each parent's parenting time and responsibilities. When parents are unable to devise a parenting plan, or when either parent so requests, the court must develop the parenting plan based on the best interest of the child and the safety of the parties.

Bill Summary: Senate Bill 318 allows the court to develop a parenting plan that orders equal parenting time. It also clarifies that when a court denies a request for equal parenting time, it must enter written findings describing why that arrangement is not in the best interest of the child or endangers the safety of the parties.

Oregon Laws 2019: Chapter 288

[Senate Bill 321](#)

Effective Date: January 1, 2020

Post-conviction DNA Testing Procedure Modernization

Chief Sponsors: Sens. Thatcher, Prozanski; Reps. Piluso, McLane

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Oregon law provides any person convicted of a crime the opportunity to seek post-conviction relief by moving the court for additional or new DNA testing of evidence. No individual in Oregon has been exonerated under this statute.

Bill Summary: Senate Bill 321 modifies the process by which a person can initiate post-conviction DNA testing, provides a manner through which petitioner can access records from the initial conviction, provides a process by which the proceeding can be dismissed without prejudice, removes the requirement that a motion for post-conviction relief include a prima facie showing of actual innocence, creates both a mandatory standard and a permissive standard under which the court can order post-conviction DNA testing, and directs the Oregon State Police to compare any unidentified DNA profile discovered by post-conviction testing with the Combined DNA Index System when certain requirements are met and provide those findings to the petitioner.

Oregon Laws 2019: Chapter 368

[Senate Bill 357-A](#)

Not Enacted

Legal Aid Services

At the request of: Senate Interim Committee on Judiciary for Board of Governors of the Oregon State Bar

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: The Oregon State Bar is responsible for establishing the Legal Services Program to provide legal services without charge to low-income individuals. Each biennium, the State Court Administrator distributes a fixed funding amount to the Oregon State Bar in eight quarterly installments of equal amounts. This fixed amount was last adjusted in 2011.

Bill Summary: Senate Bill 357-A would have increased the allocation of civil court fees into the Legal Services Program by over \$3 million and provided details on the timing and manner of distributions of funds. Additionally, the measure would have required the Oregon State Bar to provide methods of evaluation of legal services providers and support efforts to improve public access to the court system.

[Senate Bill 358](#)

Effective Date: September 29, 2019

Oregon State Bar

At the request of: Senate Interim Committee on Judiciary for Board of Governors of the Oregon State Bar

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Oregon State Bar (OSB) was established in 1935 to license and discipline lawyers, regulate the practice of law, and provide services to bar members and the public. The organization lists over 14,000 individuals admitted to practice law in Oregon.

Bill Summary: Senate Bill 358 removes a prohibition on OSB from charging membership fees to attorneys who have been admitted to practice law in Oregon for more than 50 years. It clarifies provisions relating to data sharing between the Department of Revenue and OSB and redirects the Board of Governors of the OSB to carry out the executive functions of the bar while transferring the authority to adopt, alter, amend, or repeal bylaws from the Board to OSB.

Oregon Laws 2019: Chapter 248

[Senate Bill 359](#)

Effective Date: January 1, 2020

Defective Corporate Actions

At the request of: Senate Interim Committee on Judiciary for Oregon State Bar Business Law Section

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Oregon has over 451,000 private corporations registered through the Oregon Secretary of State's office and had 5,000 new business filings in December 2018. In addition, nearly 33,000 active nonprofit corporations operate in Oregon. In some cases, a business may be started without following the careful procedures outlined in the Oregon Revised Statutes, and at a later time, errors may come to light. Some errors may be corrected through action by the board of directors, but the statutes do not provide a clear process for correcting defective corporate actions.

Bill Summary: Senate Bill 359 provides an extensive process for later approval or ratification of defective corporate actions.

Oregon Laws 2019: Chapter 325

[Senate Bill 360](#)

Effective Date: May 24, 2019

Nonprofit Corporations Act Update

At the request of: Senate Interim Committee on Judiciary for Oregon State Bar Nonprofit Organizations Law Section

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Nonprofit Corporations Act, Chapter 65 of the Oregon Revised Statutes, was adopted in 1989 and governs the formation and procedures of nonprofit corporations created and operating in Oregon.

Bill Summary: Senate Bill 360 modifies the Nonprofit Corporation Act in a number of ways in order to modernize governance and process for nonprofits. The measure allows meetings to occur and board actions to be taken via e-mail, so long as there is a valid e-mail address for every director on the board and the board follows the procedures outlined in the measure. The measure addresses shell corporations and extends personal liability to officers, directors, employees, or agents of a nonprofit corporation who cause a loss of money or property through a shell corporation. Additional changes include clarifying the hierarchy of authority between Articles, Bylaws, and other documents; adding a new method for converting from a corporation with voting members to a corporation without voting members; and clarifying the voting rights of members.

Oregon Laws 2019: Chapter 174

[Senate Bill 361](#)

Effective Date: January 1, 2020

Prudent Investor Rule

At the request of: Senate Interim Committee on Judiciary for Oregon State Bar Sustainable Futures Section

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: A trustee who invests and manages money on behalf of beneficiaries must adhere to the prudent investor rules. A prudent investor must exercise reasonable care, skill, and caution in considering investments and financial management. Additionally, trustees must consider all relevant circumstances around the trust.

Bill Summary: Senate Bill 361 allows a trustee to consider additional factors within the role of a prudent investor, such as the intent, desire, or personal values of the settlor or the beneficiaries, including the desire to have the investments managed with socially responsible or sustainable investment strategies.

Oregon Laws 2019: Chapter 546

[Senate Bill 362](#)

Effective Date: January 1, 2020

Notice of Mental Defense

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Current statute requires a criminal defendant to provide notice of their intent to use an insanity defense at time the defendant pleads not guilty, or at any time before trial if the defendant can show just cause for the delay. In a 2017 case, the Oregon Court of Appeals held that a defendant merely had to show just cause for not filing the notice at the time of arraignment and could wait up to the day of trial to provide the notice. The court acknowledged that this interpretation would make trial preparation extremely difficult for the state, but the current language of the statute compelled the result.

Bill Summary: Senate Bill 362 requires a defendant in a criminal case to file notice of an intent to pursue an insanity defense at least 45 days before trial unless a court finds good cause for failure to do so.

Oregon Laws 2019: Chapter 326

[Senate Bill 363](#)

Effective Date: September 29, 2019

Modifying Child Support Orders

At the request of: Senate Interim Committee on Judiciary for the Division of Child Support of the Department of Justice

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Division of Child Support (DCS) may suspend enforcement of an order of child support while an action to modify, terminate, satisfy, vacate, or set aside an order is pending and continued collection would result in overpayment or when collection would impair the ability of an obligor who has physical custody to provide for the child.

Bill Summary: Senate Bill 363 allows the child support administrator to suspend enforcement or hold collected money to provide a possible refund, reallocation, or redistribution when there is an action pending to modify, terminate, satisfy, vacate, or set aside a support order. It also allows DCS to collect overpayments sent to a person or entity, allows for the full range of recovery methods for overpayment, and allows for the recoupment of overpayment by retaining future payments either through agreement or by default.

Oregon Laws 2019: Chapter 290

[Senate Bill 369](#)

Effective Date: January 1, 2020

Substantial Completion of Construction Projects

At the request of: Senate Interim Committee on Judiciary for American Institute of Architects

Committees: Senate Judiciary, House Judiciary

Background and Current Law: An action against a person arising from the construction, alteration, or repair of any improvement to real property must be commenced within ten years of substantial completion or abandonment of the project if the project is a small commercial or residential structure. ORS 12.135 defines substantial completion as the date when the contractee accepts, in writing, that the property has reached a state of completion when it may be used or occupied for its intended purpose.

Bill Summary: Senate Bill 369 includes two additional occurrences that could be defined as substantial completion of a project. Under the measure, substantial completion can include the date when a public body issues a certificate of occupancy or the date when the owner uses or occupies the improvement for its intended purpose.

Oregon Laws 2019: Chapter 327

[Senate Bill 371-A](#)

Not Enacted

Child’s Attorney in Domestic Relation Case

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Under current law, the court may, upon its own or the motion of a party, appoint counsel for a child in a custody dispute. If the request for counsel is made by a child, the court must appoint an attorney. Under this provision, a reasonable fee may be charged against the parties, but public funds cannot be used to compensate the attorney. The law is silent as to how these attorneys are identified, the qualifications they must possess, and the standards under which they practice.

Bill Summary: Senate Bill 371-A would have created a pilot program to provide qualified and compensated court-appointed counsel in all disputed domestic relations cases in three counties.

[Senate Bill 373](#)

Effective Date: September 29, 2019

Oregon Psychiatric Security Review Board Record Protection

At the request of: Senate Interim Committee on Judiciary for Disability Rights Oregon

Committees: Senate Judiciary, House Judiciary

Background and Current Law: When an adult commits a felony and is found by the courts to be Guilty Except for Insanity, the court is likely to place the individual under the jurisdiction of the Oregon Psychiatric Security Review Board (PSRB). The PSRB monitors the progress of individuals under its jurisdiction and maintains current medical, social, and criminal history of those individuals. PSRB records are public records for the purposes of Oregon’s public records laws. Medical and correctional records are typically exempt from disclosure.

Bill Summary: Senate Bill 373 incorporates records in the possession of the PSRB into the disclosure exemptions for medical and correctional records.

Oregon Laws 2019: Chapter 328

[Senate Bill 375](#)

Effective Date: January 1, 2020

Notice of Guilty Except Insane Consequence

At the request of: Senate Interim Committee on Judiciary for Disability Rights Oregon

Committees: Senate Judiciary, House Judiciary

Background and Current Law: A person is guilty except for insanity, if, as a result of mental disease or defect at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law. A court can place a person determined to be guilty except for insanity under the supervision of the Psychiatric Security Review Board (PSRB), discharge the person, or conditionally release the person after making certain findings. An adult found guilty, but for insanity, is initially sent to the Oregon State Hospital or a secure intensive community inpatient facility but can later be conditionally released or discharged from the jurisdiction of the PSRB.

Bill Summary: Senate Bill 375 requires the court to inform a defendant at the time of his or her plea to guilty except for insanity, of consequences of that plea.

Oregon Laws 2019: Chapter 329

[Senate Bill 376](#)

Effective Date: January 1, 2020

Protective Proceeding Notices

At the request of: Senate Interim Committee on Judiciary for Disability Rights Oregon

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. Current law requires notice of the petition for guardianship be sent to specific individuals, including the proposed protected person, but there is no notice required when the guardian is appointed.

Bill Summary: Senate Bill 376 requires notice of the appointment of the guardian to be sent by the newly appointed guardian to a list of interested persons, including the protected person themselves. It also requires a guardian to initiate termination of the guardianship or explain to the court when the guardian indicates the guardianship may not need to continue.

Oregon Laws 2019: Chapter 77

[Senate Bill 378-A](#)

Not Enacted

Study on Timeliness of Fitness to Proceed Evaluations

At the request of: Senate Interim Committee on Judiciary for Disability Rights Oregon

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Criminal proceedings against a defendant who is unable to aid in their own defense are suspended until the defendant is fit to proceed. Defendants have a constitutional right to transfer to the state hospital within seven days for a fitness to proceed evaluation. Reports suggest that defendants with mental health issues currently wait between three to six weeks for evaluations.

Bill Summary: Senate Bill 378-A would have required the Criminal Justice Commission, in collaboration with Disability Rights Oregon, the Oregon Health Authority, and the Oregon Justice Department, to conduct a study identifying barriers to the timely completion of fitness to proceed evaluations.

[Senate Bill 379-A](#)

Not Enacted

Employer Drug Testing

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary

Background and Current Law: Under ORS 659A.315, an employer may not prohibit an employee or prospective employee from using tobacco products during nonworking hours. However, an employer can prohibit the off-duty use of other products legal in Oregon, including alcohol and marijuana.

Bill Summary: Senate Bill 379-A would have prohibited employers from restricting the use of marijuana, alcohol, and other products legal in Oregon by their employees or prospective employees during nonworking hours. However, the measure would have allowed an employer to prohibit or otherwise restrict use if: 1) the restriction related to a bona fide occupational qualification; 2) the restriction related to health and safety; 3) the business was a federal contractor receiving grants subject to the federal Drug-Free Workplace Act; 4) the employer was required by federal law or regulation to test for use; 5) the employee was subject to a collective bargaining agreement that prohibited use; 6) the employee fit within the statutory definition of public safety personnel, emergency service provider, or licensed health care professional; 7) the employee operates a public transit vehicle or taxi; or 8) the employee performs job functions that involved a risk of injury to others, including the operation of heavy machinery or equipment. Finally, employers would have retained the ability to impose restrictions that related to an employee's performance of work while impaired.

[Senate Bill 380](#)

Not Enacted

Trust Deed Filing

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: A trust deed is an instrument that gives an interest in real property to a trustee to secure the performance of an obligation that the grantor of the trust deed owes to a beneficiary. Under Oregon law, if a beneficiary wishes to foreclose on a mortgage through a nonjudicial foreclosure process, the transfer or assignment of the interest to a new beneficiary must be recorded in the county records in the county in which the real property is located prior to beginning the foreclosure process.

Bill Summary: Senate Bill 380 would have prohibited counties from filing a lawsuit, if the suit is based upon the designation of the grantee or beneficiary, or upon lack of presenting the trust deed for recording in the county. The measure would have prohibited counties from charging a fee for instruments that transfer an interest in a trust deed but are not presented for recording.

[Senate Bill 383-A](#)

Not Enacted

Arbitration Awards

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Business and Labor

Background and Current Law: Many state and local government employees, including law enforcement officers, are subject to the Public Employee Collective Bargaining Act (PECBA). Resolution of disputes over conditions and terms of a contract under PECBA may be resolved through binding arbitration.

Bill Summary: Senate Bill 383-A would have required an arbitrator, who makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct, to impose the same disciplinary action that was imposed by the agency, so long as the discipline was done pursuant to a discipline guide or matrix that was adopted by the agency as a result of collective bargaining.

[Senate Bill 385](#)

Effective Date: January 1, 2020

Child Custody Alternative Dispute Resolution

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Current statute provides a process for family court mediation when custody, parenting time, or visitation is contested. The purpose of that process is to reach a workable settlement of any contested issues that would otherwise be litigated. For that reason, those statutes require the mediator to report to the court any agreement the parties have reached at the conclusion of the mediation but, if no agreement is reached, prohibit the mediator from reporting anything other than the fact that the parties reached no agreement to the court. The mediator may not provide any recommendations to the court without the written consent of parties.

Bill Summary: Senate Bill 385 creates an informal alternative dispute resolution process where, if during the conference, the parties do not reach an agreement, the conference officer can develop a stipulated agreement on any resolved issues and/or make recommendations to the court on the contested issues.

Oregon Laws 2019: Chapter 293

[Senate Bill 388](#)

Effective Date: June 13, 2019

Record Expunction Upon Gubernatorial Pardon

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Article V, Section 14 of the Oregon Constitution grants the Governor the authority to grant reprieves, commutations, and pardons after conviction. The Governor must, within 10 days of granting a pardon, file all papers related to that pardon with the Secretary of State where they are kept as public records open to public inspection. After a pardon has been granted, there is no process in place to ensure that the pardoned individual's record of conviction is sealed.

Bill Summary: Senate Bill 388 provides a process for sealing the records of an individual's conviction after a gubernatorial pardon, provides provision for victim notification and input into the pardon process, and requires district attorneys to provide certain records to the Governor's office after the submission of a pardon application.

Oregon Laws 2019: Chapter 369

[Senate Bill 396](#)

Effective Date: January 1, 2020

Towing of Illegally Parked Vehicles from Fuel Stations

Chief Sponsors: Sen. Bentz

At the request of: Ralph Poole

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Under ORS 98.830, a private property owner can have an abandoned vehicle towed from his or her property 72 hours after affixing notice of the pending tow to that vehicle. The property owner must also fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and contains a statement confirming that the property owner has complied with the 72-hour notice requirement. The same statute also provides that the tower removing the vehicle is entitled to a lien on that vehicle and is immune from civil liability. However, immunity does not extend to loss, damage, or injury caused by the tower's negligent or willful actions.

Bill Summary: Senate Bill 396 allows the owner or operator of a fuel dispensary to tow an abandoned vehicle that is blocking or hindering access to a fuel pump two hours after affixing notice to the vehicle. The fuel dispensary owner must still fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and states that the vehicle is interfering with the fuel dispensary's business by blocking the fuel pump. It also provides that a tower removing a vehicle under these circumstances is entitled to a lien on the towed vehicle and is granted the same limited civil liability immunity as towers operating under the 72-hour rule.

Oregon Laws 2019: Chapter 330

[Senate Bill 420](#)

Effective Date: January 1, 2020

Expungement of Marijuana Convictions

Chief Sponsors: Sen. Frederick

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In 2014, Oregon voters passed Ballot Measure 91, which allowed for the creation of a recreational marijuana market. Under Ballot Measure 91 and subsequent legislation passed by the Legislative Assembly, members of the public can grow, sell, and consume marijuana subject to certain conditions. Such activity had previously been illegal, unless for authorized medical purposes.

Bill Summary: Senate Bill 420 allows a person convicted of marijuana possession, delivery, and manufacturing offenses that are no longer crimes under current law to apply to have his or her conviction set aside. To be eligible, the offense must have occurred before July 1, 2015. The measure exempts the person filing for the set aside from any otherwise applicable fees and removes the standard requirement that the individual provide fingerprints and undergo a background check. Senate Bill 420 also requires the individual filing for the set aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney 30 days to contest the requested set-aside if the office believes the person's conviction is for an ineligible offense. Finally, if the court does find that the individual is eligible, it requires the court to seal the records of the conviction and provide notice to Department of Corrections and other relevant agencies.

Oregon Laws 2019: Chapter 459

[Senate Bill 421](#)

Effective Date: September 29, 2019

Personal Injury Protection Benefits Reimbursement

At the request of: Sens. Frederick, Taylor

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: Current Oregon law allows a provider of personal injury protection insurance to be reimbursed for payments made by the insurer on behalf of a person. The amount of recovery is limited to the total amount of benefits paid that exceed the damages suffered by the person. A person is not required to reimburse an insurer for more than the amount paid in benefit.

Bill Summary: Senate Bill 421 prohibits an insurer from receiving reimbursement unless the person receives full compensation for their injuries from an action or settlement and the reimbursement is paid from the excess amount of recovery.

Oregon Laws 2019: Chapter 460

[Senate Bill 423](#)

Effective Date: September 29, 2019

Law Enforcement Officers Psychological Screening

Chief Sponsors: Sens. Frederick, Manning Jr; Reps. Lewis, Noble, Piluso

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The minimum statewide qualifications for employment as a law enforcement officer are established in rule by the Department of Public Safety Standards and Training (DPSST). Currently, Oregon Administrative Rule 259-008-0010 lists several standards for employment, such as citizenship, education, criminal records, and physical health.

Bill Summary: Senate Bill 423 prohibits law enforcement agencies from hiring officers unless the officers have undergone a psychological screening to determine the officer's fitness to serve as a law enforcement officer. The measure calls for DPSST to develop standards by rule but requires that all screenings be administered by a licensed mental health professional.

Oregon Laws 2019: Chapter 78

[Senate Bill 424](#)

Effective Date: January 1, 2020

Law Enforcement Wellness Policies

Chief Sponsors: Sen. Frederick; Reps. Lewis, Noble, Piluso

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Several studies show that law enforcement officers have higher stress levels than the general population and correspondingly higher levels of stress-related diseases. A wellness policy for law enforcement officers and their families in Bend, Oregon, has shown a 27 percent reduction in on-the-job injuries and a reduction of 77 percent of time-loss days after implementation of the program.

Bill Summary: Senate Bill 424 requires law enforcement agencies to establish mental health wellness policies relating to policework.

Oregon Laws 2019: Chapter 79

[Senate Bill 473](#)

Not Enacted

Juror Fees

Chief Sponsors: Sen. Gelser

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Under current Oregon law, a juror may receive \$10 per day for the first two days of jury service in a circuit court and \$25 per day for third and subsequent days. Jurors must also be reimbursed \$0.08 per mile or for public transportation expenses for each day's attendance at court.

Bill Summary: Senate Bill 473 would have increased the fees paid to jurors to \$22.07 per day and \$0.545 per mile.

[Senate Bill 474](#)

Effective Date: June 20, 2019

Parents' Access to Wrongful Death Damages and Inheritance

Chief Sponsors: Sen. Gelser; Rep. Stark

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Under current law, a parent who has abandoned or neglected to provide for a child may receive damages resulting from that child's wrongful death action. A recent wrongful death case involving a child who died while in state foster care brought attention to this issue. Each of the child's parents was awarded \$130,000 in damages, even though there were years of allegations of maltreatment, and at the time of her death, the child had been removed from the parents' care.

Bill Summary: Senate Bill 474 prohibits parents who have neglected to provide proper care and maintenance or willfully deserted their child from receiving damages from a wrongful death action regarding that child and provides a process by which interested parties can assert their right to a parent's forfeited damages.

Oregon Laws 2019: Chapter 461

[Senate Bill 488](#)

Effective Date: July 15, 2019

Immunizations for Adults in Custody

Chief Sponsors: Sens. Gelser, Monnes Anderson; Rep. Williamson

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Oregon law is silent on the provision of influenza vaccinations for adults in the custody of the Department of Corrections (DOC) and local correctional facilities. Current rules state that “immunization and preventative treatment shall be made available to inmates [in DOC custody] as medically indicated.” In January of 2018, approximately 300 of 1,645 inmates at the Coffee Creek Correctional Facility were immunized against the flu. In the following months, the flu spread through the facility and one inmate died from organ failure caused by influenza with staph superinfection.

Bill Summary: Senate Bill 488 requires the Department of Corrections to offer each individual in their physical custody an immunization against the influenza virus.

Oregon Laws 2019: Chapter 550

[Senate Bill 495](#)

Effective Date: January 1, 2020

Inmate Extraction with Canines

At the request of: Disability Rights Oregon

Chief Sponsors: Sen. Gelser; Rep. Williamson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Six states, including Oregon, allow the use of police canines to forcibly remove individuals in custody from their cells. While the Department of Corrections does not use canines to extract individuals in custody from their cells, news reports indicate that one Oregon county has used canines to extract individuals as recently as last year. Oregon state law is silent as to whether the use of canines in correctional facilities constitutes “physical force” or “physical punishment.”

Bill Summary: Senate Bill 495 prohibits correctional facilities from using canines to extract a person in custody from a cell while allowing for their use for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing an immediate health or safety risk.

Oregon Laws 2019: Chapter 333

[Senate Bill 498](#)

Effective Date: July 1, 2019

Correctional Telephone Commissions

Chief Sponsors: Sen. Gelser; Rep. Williamson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In August 2013, the Federal Communications Commission (FCC) capped per-minute correctional telephone rates but those rates were struck down by a federal court in 2017. The Oregon Department of Corrections (DOC) currently collects approximately \$4.6 million in commissions each year from its telephone service provider contract: a flat fee of \$3 million, plus a percentage of the revenue when the calls exceed certain projections. This funding is used for purposes other than the provision of phone services including the Inmate Welfare Fund.

Bill Summary: Senate Bill 498 prohibits DOC from entering into contracts with telephone service providers in which DOC receives a fee or commission. It also limits the fee or commission that an inmate telephone service provider may provide to a local or regional correctional facility and prescribes the deposit and use of those funds.

Oregon Laws 2019: Chapter 335

[Senate Bill 509](#)

Effective Date: January 1, 2020

Unlawfully Transporting Hay

At the request of: Oregon Farm Bureau

Chief Sponsors: Sens. Johnson, Roblan; Rep. Reschke

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Current law requires anyone hauling more than 20 bales of hay on a public highway to have possession of a transportation certificate signed by the producer or the agent of the producer. Failure to do so is considered a crime and is a Class C misdemeanor. This requirement originally assisted in preventing the theft of hay bales that, at the time, generally weighed 75-90 pounds. Theft of bales was prevalent due to their size, weight, and ease of access. Today, the average hay bale weighs typically 1,000 pounds and requires specialized equipment in the field to move. The change in industry, proponents of the measure say, has eliminated the need for additional regulation on the transport of hay designed to prevent theft.

Bill Summary: Senate Bill 509 repeals ORS 164.815, the crime of unlawfully transporting hay.

Oregon Laws 2019: Chapter 80

[Senate Bill 548-A](#)

Not Enacted

State Board of Towing

Chief Sponsors: Sens. Riley, Manning Jr.; Rep. Sprenger

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Oregon does not have a state agency tasked with overseeing the towing industry, which has led to confusion about where consumer complaints against towers should be directed and which agency should investigate those complaints. The Oregon Department of Justice has had an ongoing towing work group to address these issues.

Bill Summary: Senate Bill 548-A would have created a State Board of Towing within the Oregon Department of Transportation (ODOT) and would have established a nine-member Board to be appointed by the Governor. The Board would have been composed of four towers, a representative from the insurance industry, an individual from the Oregon State Police (OSP) tow program, a chief of police, a consumer advocate, and a member of the public. Additionally, the measure would have directed the Board to appoint an administrative officer, granted the Board rulemaking authority, and empowered the Board to investigate consumer complaints, penalize violations, and order the removal of a tower from the OSP rotation list. Funding for the Board would have been drawn from the State Board of Towing Account to be established within the State Treasury.

[Senate Bill 576](#)

Effective Date: May 24, 2019

Campus Security Officer Regulation—Kaylee’s Law

Chief Sponsors: Sens. Prozanski, Knopp; Reps. Barker, Helt

At the request of: Crystal and Jamie Sawyer, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Oregon Student's Association, Deschutes County District Attorney John Hummel, Attorney General Ellen Rosenblum

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Oregon's seven public universities are given statutory authority to establish police departments and commission sworn police officers. The universities may also commission special campus security officers who have stop-and-frisk and probable cause arrest authority but are not considered police officers and may not carry firearms. Other institutions of higher education utilize private security professionals for security services on campus. These private security professionals are certified by the Department of Public Safety Standards and Training (DPSST) and undergo 14 hours of training prior to receiving certification. On July 24, 2016, a campus security officer employed by Central Oregon Community College in Bend, Oregon, kidnapped, sexually assaulted, and killed Kaylee Sawyer. The officer utilized his security vehicle, tools, and uniform to commit his crimes.

Bill Summary: Senate Bill 576, Kaylee's Law, requires nationwide background checks of all individuals employed as campus security, whether as a private security officer on a community college or private campus, or a special campus safety officer on a university campus. The measure also requires campus security vehicles to have GPS, dispatch, or video recording and such data be kept for 90 days. Use of accessories or tools that would confuse with law enforcement are prohibited, such as red and blue light bars, bumpers, and cages. Additionally, the measure removes the stop-and-frisk authority of special campus security officers.

Oregon Laws 2019: Chapter 152

[Senate Bill 577](#)

Effective Date: July 15, 2019

Bias Crimes

At the request of: Attorney General Ellen Rosenblum

Chief Sponsors: Sens. Frederick, Prozanski, Manning Jr; Rep. Power

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Current statute defines a crime of intimidation based on the number of bad actors and their motives; a reflection of the heightened focus on white supremacist groups prevalent in the 1980s.

Bill Summary: Senate Bill 577 renames the crime of intimidation as bias crime and shifts the analysis towards the nature of the harm and use and threat of violence in addition to the motives behind the crime of violence. The measure includes gender identify as a motivating factor for a bias crime, requires law enforcement agencies to develop and implement standardized data collection for bias crimes, and requires the Department of Justice to provide specified victim services and training including a “hate crimes hotline” dedicated to assisting victims of bias crimes. The measure directs the Oregon Criminal Justice Commission to analyze bias crime data collected by law enforcement agencies and report its findings to the Legislative Assembly no later than July 1, 2021.

Oregon Laws 2019: Chapter 553

[Senate Bill 581](#)

Effective Date: January 1, 2020

Unmanned Aircraft Systems

Chief Sponsors: Sen. Prozanski

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In 2016, the Legislative Assembly created a Class A violation for the reckless operation of an unmanned aircraft system (UAS), which includes using a UAS to recklessly 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.

Bill Summary: Senate Bill 581 elevates the violation to a Class A misdemeanor if the action is done knowingly or intentionally or is a second or subsequent conviction for recklessly operating a UAS. The measure also 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. Finally, the measure directs an educational institution to register as a user of UAS with the Oregon Department of Aviation prior to operation of a UAS in the airspace over this state and specifies that individual UAS are not required to be registered.

Oregon Laws 2019: Chapter 337

[Senate Bill 582](#)

Effective Date: January 1, 2020

Marijuana Exportation Agreements

Chief Sponsors: Sen. Prozanski; Rep. Helm

Committees: Senate Judiciary, House Rules

Background and Current Law: Under ORS 475B.227(2), importing or exporting marijuana to or from Oregon is prohibited. Depending on the severity and amount of marijuana transferred, a violation of the statute is a Class B violation, a Class A misdemeanor, or a Class C felony.

Bill Summary: Senate Bill 582 authorizes the Governor to make agreements with other states regarding the coordination and enforcement of licensed marijuana-related businesses. It also allows for the transportation and delivery of marijuana across state lines by marijuana producers, wholesalers, and researchers as authorized by the relevant agreements. Additionally, Senate Bill 582 requires the agreements to include enforceable public health, safety, and labeling standards; systems to regulate and track marijuana items; and that items delivered to Oregon must be tested, packaged, and labeled in compliance with current law. Finally, Senate Bill 582 includes a provision stating that the legislation does not become operative until federal law is amended to allow for the interstate transfer of marijuana or the United States Department of Justice issues an opinion or memorandum stating that the Department will allow or tolerate the interstate transfer of marijuana. If such an event occurs, the Oregon Liquor Control Commission must notify the Judiciary Committees and Legislative Counsel.

Oregon Laws 2019: Chapter 464

[Senate Bill 591](#)

Not Enacted

Wine Label Violations

Chief Sponsors: Sens. Prozanski, Roblan, Winters; Reps. Barker, Holvey, Noble

At the request of: Oregon Winegrowers Association

Committees: Senate Judiciary

Background and Current Law: The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulates American Viticultural Areas (AVAs). In order to specify a particular AVA on a wine label, at least 85 percent of the grapes in the wine must be grown in that AVA. An AVA may cross a state boundary. Under Oregon law, the label on a bottle of wine must precisely and clearly indicate the contents of the bottle and not mislead on age, composition, quantity, or quality.

Bill Summary: Senate Bill 591 would have made it an unlawful trade practice to violate wine compliance statutes, deceptive labeling statutes, minimum standards for wine established by rule, or any brand or label requirements for wine established by rule.

[Senate Bill 596](#)

Effective Date: January 1, 2020

Evidence of Prostitution Resulting from Crime Reporting

Chief Sponsors: Sens. Taylor, Hansell; Rep. Stark

Committees: Senate Judiciary, House Judiciary

Background and Current Law: A person commits the crime of prostitution if the person engages in, or offers or agrees to engage in, sexual conduct or sexual contact in return for a fee. If a person engaged in the crime of prostitution were the victim of or witness to the commission of a crime, then that individual could expose themselves to prosecution if they were to disclose their engagement in the act of prostitution while reporting the crime to law enforcement.

Bill Summary: Senate Bill 596 extends protection from criminal liability for prostitution when an individual is reporting the commission of specified felonies.

Oregon Laws 2019: Chapter 179

[Senate Bill 597](#)

Effective Date: January 1, 2020

Indictments

Chief Sponsors: Sen. Taylor; Rep. Stark

Committees: Senate Judiciary, House Judiciary

Background and Current Law: When a person is indicted, current law requires that the indictment include a statement of the acts constituting the offense, the name of the victim, and list the names of witnesses examined before the grand jury.

Bill Summary: Senate Bill 597 authorizes the use of a pseudonym, initials, or other signifier, in lieu of the name of the victim in the indictment or as a witness if the victim testifies to the grand jury. When this occurs, the measure requires that a separate document containing the names be filed under seal and provided to the defendant at arraignment.

Oregon Laws 2019: Chapter 338

[Senate Bill 606-A](#)

Not Enacted

Domestic Violence

Chief Sponsors: Sen. Winters

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: Domestic violence is a pattern of behavior in which one person in a relationship attempts to exert control over another. It can take many forms, including physical, sexual, emotional, or economic abuse. Abuse can include threatening, putting someone down, or making them afraid, even if there is no physical violence. Abuse often worsens over time. The Women’s Foundation of Oregon reports that over a third of Oregon women have experienced intimate partner violence. According to the Oregon Department of Human Services, domestic violence is a contributing factor in approximately one-third of all child welfare cases, and approximately 40 percent of abuse cases involving seniors or people with disabilities. Domestic violence contributes to one in four of all Oregon violent deaths.

Bill Summary: Senate Bill 606-A would have created a committee within the Oregon Criminal Justice Commission dedicated entirely to the study of domestic violence prevention and education.

[Senate Bill 638](#)

Effective Date: January 1, 2020

Laboratory Animal Adoption

Chief Sponsors: Sen. Steiner Hayward; Rep. Greenlick

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In Oregon, several research facilities use animals in their research, including Oregon Health and Science University, Oregon State University, and the University of Oregon. According to 2017 data from the United States Department of Agriculture, there are approximately 8,000 mammals used for scientific research in Oregon, including several dozen dogs and cats.

Bill Summary: Senate Bill 638 requires that dogs and cats used in laboratory research be offered for adoption after the conclusion of the research unless health and safety concerns or research needs prevent the facility from doing so. The measure also provides research facilities immunity from civil liability that results from the good faith transfer of the animals to shelters. Finally, Senate Bille 638 requires nonpublic research facilities to make annual reports to the Secretary of State on the number of dogs and cats used in research or released to shelters, exempts those reports from public disclosure except in aggregate form, and provides definitions.

Oregon Laws 2019: Chapter 374

[Senate Bill 681-A](#)

Not Enacted

Supported Decision-Making Agreements

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary

Background and Current Law: A supported decision-making agreement is an agreement made between two or more persons in which one person agrees to help the other with tasks like gathering documents, understanding the consequences of a decision, and communicating decisions. These agreements are becoming popular as an alternative to guardianship.

Bill Summary: Senate Bill 681-A would have provided statutory parameters for use of supported decision-making agreements.

[Senate Bill 682-A](#)

Not Enacted

Attorneys in Guardianship Proceeding

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary

Background and Current Law: Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian or conservator occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on his or her own behalf.

Bill Summary: Senate Bill 682-A would have established a pilot program in three counties to provide counsel for proposed protected persons or persons already under guardianship when the person requests counsel, an objection is made or filed, the court visitor recommends counsel, or the court deems the person needs counsel.

[Senate Bill 684](#)

Effective Date: January 1, 2020

Data Breaches

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In 2017, a single data breach exposed the names, social security numbers, dates of birth, and in some cases, driver license numbers of 143 million Americans, with 209,000 individuals having their credit card numbers stolen. In response to that breach, a work group was formed to begin revising and updating Oregon's Consumer Identity Theft Protection Act.

Bill Summary: Senate Bill 684 provides a mechanism for third-party vendors, such as data storage companies, to notify covered entities when a breach of personal information has occurred, updates what information is considered protected information so that it includes a user name or other identifier, in combination with other methods of authenticating an account or identifying a consumer, and updates the notice provisions for entities covered by federal privacy laws.

Oregon Laws 2019: Chapter 180

[Senate Bill 703](#)

Not Enacted

Protection of Personal Health Information

Chief Sponsors: Sen. Prozanski; Reps. Gomberg, Holvey

At the request of: Hu-manity.co

Committees: Senate Judiciary

Background and Current Law: The Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996 and requires covered entities, such as health care plans and health care providers, to safeguard an individual's health data and provides instances in which health care data can be disclosed.

Bill Summary: Senate Bill 703 would have established the right for an individual to assert a property interest in their health information and prohibited any commercial disclosure from one entity to another of a person's health data, including de-identified data, without the person's signed authorization. The measure would have allowed a person to request compensation in exchange for the release and made failure to comply, or discrimination against a person who does not sign an authorization or asks for compensation, an unlawful trade practice.

[Senate Bill 708](#)

Effective Date: January 1, 2020

Prevailing Party Fees

Chief Sponsors: Sen. Gelser

At the request of: Jaime Carleton

Committees: Senate Judiciary, House Judiciary

Background and Current Law: A complainant may bring a civil action for the violation of a protective order or damages against a person who engages in repeated and unwanted contact with the complainant or a member of that complainant's immediate family if it is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact and the unwanted contact caused the victim reasonable apprehension regarding their personal safety. At the time the petition is filed, the court, upon a finding of probable cause based on the allegations in the petition, must enter a temporary court's stalking protective order prohibiting contact. The petition and the temporary order are served to the respondent with an order requiring the respondent to personally appear before the court to show cause why the temporary order should not be continued for an indefinite period. If, after a hearing, the court does not uphold the temporary protection order, current statute allows for courts to order prevailing party fees against the petitioner of the protection order.

Bill Summary: Senate Bill 708 requires courts to make a finding that a petition was filed with malicious intent before ordering prevailing party fees.

Oregon Laws 2019: Chapter 342

[Senate Bill 723-B](#)

Not Enacted

Coyote Hunting Contests

Chief Sponsors: Sens. Dembrow, Golden

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: Under ORS 610.002, coyotes are defined as predatory animals. The Oregon Department of Fish and Wildlife (ODFW) estimates that there are approximately 300,000 coyotes in Oregon. Coyotes are not a protected species, and the hunting of coyotes is not regulated by ODFW. Coyotes can be killed on an owner's land without a hunting permit and on public land with a permit. There is currently no limit on the number of coyotes that can be killed by a single individual or during a single hunting contest or other event.

Bill Summary: Senate Bill 723-B would have prohibited individuals or groups from conducting or participating in coyote hunting contests or events for prizes. It would have made a violation of the prohibition a Class A violation and would have required that the remains of coyotes killed during such contests be turned over to ODFW.

[Senate Bill 725](#)

Effective Date: September 29, 2019

Background Checks of Individuals Who Provide Care

Chief Sponsors: Sen. Taylor; Rep. Nathanson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Department of Human Services (DHS) determines the fitness of persons under consideration for employment by entities that provide care or placement services, or licenses or certifies others to provide care or placement services for children, elders, and dependent persons. If the person has a conviction or pending indictment for specified crimes, the person cannot be employed in a way that would put them into contact with vulnerable populations or facilities housing them. If a person has a conviction for other crimes, DHS performs a fitness determination and may consider previous criminal convictions.

Bill Summary: Senate Bill 725 prohibits DHS from considering criminal convictions that are more than 10 years old, arrests without conviction, certain marijuana offenses, and participation in deferred sentences or diversion programs. It also prohibits DHS from considering a conviction for Driving Under the Influence of Intoxicants if it is a single conviction and over five years have passed since the conviction.

Oregon Laws 2019: Chapter 423

[Senate Bill 728](#)

Not Enacted

Unlawful Trade Practices

Chief Sponsors: Senate Committee on Judiciary

At the request of: Danny Lang

Committees: Senate Judiciary

Background and Current Law: The Unlawful Trade Practices Act (UTPA) was enacted by the Oregon Legislative Assembly in 1971. The UTPA defines and prohibits various unfair and deceptive trade practices. While the UTPA authorizes the Attorney General or district attorneys to bring suit, it also authorizes a right of action for individuals in certain instances. Currently, insurance trade practices are regulated in ORS Chapter 746 and are not subject to the UTPA.

Bill Summary: Senate Bill 728 would have added insurance to the categories of goods and services subject to the UTPA and made unfair claim settlement practices subject to the UTPA.

[Senate Bill 729](#)

Effective Date: January 1, 2020

Elder Abuse Restraining Orders

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Elderly Persons and Persons With Disabilities Abuse Prevention Act (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. Residents 65 years of age or older and residing in a nursing facility cannot obtain an elder abuse restraining order.

Bill Summary: Senate Bill 729 removes the reference to the abuse reporting for residents of long term care nursing facilities, thereby allowing that population access to use of the EPDAPA.

Oregon Laws 2019: Chapter 93

[Senate Bill 736](#)

Not Enacted

Redefining Custody, Joint Custody, and Parenting Time

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary

Background and Current Law: In the 2016 interim, the Senate Committee on Judiciary convened a work group composed of advocates, expert practitioners, judges, and affected stakeholders to explore concerns related to Oregon custody and parenting time statutes. The work group surveyed current Oregon law and practice, state statutes nationwide, relevant case law, and academic research on best practices for child custody and parenting-time disputes and decisions. One issue identified by that work group was that Oregon law does not provide comprehensive definitions of custody, joint custody, or parenting time.

Bill Summary: Senate Bill 736 would have provided comprehensive definitions of custody, joint custody, and parenting time and made conforming changes to the affected statutes.

[Senate Bill 757-A](#)

Not Enacted

Tax Appeals

Chief Sponsors: Sen. Roblan

At the request of: Association of Oregon Counties

Committees: Senate Judiciary

Background and Current Law: In 1995, the legislature created the magistrate division of the tax court. A person who is dissatisfied with a decision of the Department of Revenue is entitled to a hearing before the magistrate division but is also provided a process to appeal to the Oregon Tax Court. Caselaw directs that a separate complaint must be filed by a defendant who disagrees with any portion of a decision of a Tax Court Magistrate, even if the other party had already filed an appeal.

Bill Summary: Senate Bill 757-A would have specified that any party named as a defendant in an appeal before the tax court could have included one or more counterclaims in the responsive pleadings.

[Senate Bill 759](#)

Effective Date: June 11, 2019

Salvage Auction Vehicle Liens and Titles

Chief Sponsors: Sen. Monnes Anderson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Under Oregon law, many vehicle businesses are entitled to liens on the vehicles in their possession under certain circumstances. For example, vehicle repair shops and towers may attach liens to secure payment for services rendered. Meanwhile, when a vehicle changes ownership, the title must be transferred, which can be difficult if the previous owner cannot be located or is unresponsive.

Bill Summary: Senate Bill 759 provides that a national auction company specializing in disposing of totaled vehicles can place a lien on a vehicle that the auction company possesses and stores on its property. It also provides that the auction company may title the vehicle in its name if the vehicle is unclaimed after 30 days. The auction company may also title the vehicle in the name of the insurance company or 501(c)(3) charitable organization that directed the auction company to take possession of the vehicle, either after the vehicle was donated or declared to have been totaled.

Oregon Laws 2019: Chapter 344

[Senate Bill 762](#)

Not Enacted

Involuntary Holds

At the request of: Work Group to Decriminalize Mental Illness

Committees: Senate Judiciary

Background and Current Law: Under current Oregon law, a person may be held in a hospital or facility for mental health treatment if a licensed independent practitioner believes the person is dangerous to self or to any other person and needs emergency care or treatment for mental illness. Currently, the period for involuntary detention is for not more than five judicial days following admission. In a handful of other states, this period can be over two weeks.

Bill Summary: Senate Bill 762 would have extended Oregon's five-day detention period to 15 days and would have provided a process for the person to seek immediate judicial review.

[Senate Bill 763](#)

Not Enacted

Civil Commitment

At the request of: Work Group to Decriminalize Mental Illness

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: A person may be involuntarily committed to the Oregon Health Authority for treatment upon a court finding, by clear and convincing evidence, that the person has a mental illness which causes the person to be a danger to "self or others," or is unable to provide for basic personal needs. State law is silent on the definition of "self or others."

Bill Summary: Senate Bill 763 would have defined "dangerous to self or others" to mean likely to inflict serious physical harm upon self or another person within the next 30 days and allowed courts to consider past behaviors.

[Senate Bill 773](#)

Not Enacted

Criminal Background Criteria used by Professional Licensing Boards

Chief Sponsors: Sens. Dembrow, Frederick, Winters; Rep. Sanchez

Committees: Senate Judiciary

Background and Current Law: The State of Oregon does not have a general business license. However, many occupations and business activities require special licenses, permits or certifications from state agencies or boards. Cities and counties may require a license for businesses operating in their jurisdictions.

Bill Summary: Senate Bill 773 would have required professional licensing boards to identify and report criteria in their certification process that is specific to an applicant's criminal background or character.

[Senate Bill 775](#)

Effective Date: January 1, 2020

Criminal Records Checks

Chief Sponsors: Sens. Dembrow, Frederick, Winters; Rep. Sanchez

Committees: Senate Judiciary, House Judiciary

Background and Current Law: An authorized agency or district may conduct a preliminary fitness determination if the agency, district, or qualified entity is hiring or appointing an individual on a preliminary basis. As part of that fitness determination, an agency may request a criminal record check.

Bill Summary: Senate Bill 775 requires that any state agency requesting a criminal background check for the purposes of determining an employee's fitness must do so through the Oregon State Police.

Oregon Laws 2019: Chapter 424

[Senate Bill 783](#)

Effective Date: January 1, 2020

Elder Abuse Proceedings

Chief Sponsors: Sen. Taylor; Rep. Bonham

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Current Oregon law provides that a person commencing a civil action for the abuse of a vulnerable person must serve a copy of their complaint to the Attorney General within 30 days after the action is commenced. In a 2016 Oregon Court of Appeals case, a plaintiff's claim was dismissed for failure to provide timely notice to the Attorney General.

Bill Summary: Senate Bill 783 removes the requirement that notice be filed prior to proceeding with a claim and instead requires it to be filed before a final judgment for a plaintiff may be entered.

Oregon Laws 2019: Chapter 345

[Senate Bill 797](#)

Effective Date: June 11, 2019

Vehicle Auction Consignments

Chief Sponsors: Sen. Monnes Anderson

Committees: Senate Judiciary, House Judiciary

Background and Current Law: ORS 822.060 contains a list of consumer protections related to vehicle consignments. These protections include prohibitions on taking consignments from an individual who is not either the registered owner of a vehicle or a vehicle dealer, taking a vehicle from a security interest holder who has not first completed a repossession action with documentary proof, or taking a vehicle without having the terms of the consignment agreement in writing.

Bill Summary: Senate Bill 797 provides that wholesale vehicle auction companies and national auction companies specializing in totaled vehicles do not have to comply with the requirements and prohibitions contained in ORS 822.060 so long as the auction company is taking the vehicle from a non-retail consignor, such as a bank or consignment company.

Oregon Laws 2019: Chapter 346

[Senate Bill 810](#)

Effective Date: January 1, 2020

Vulnerable Motorcycle and Moped Riders

Chief Sponsors: Sen. Gelser

Committees: Senate Judiciary, House Judiciary

Background and Current Law: ORS 801.608 establishes a list of individuals who are vulnerable users of a public way. This list includes, among others, pedestrians, highway workers, bicyclists, and individuals 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. In addition to fines, it requires that the defendant complete a traffic safety course and perform between 100 and 200 hours of community service as directed by the court.

Bill Summary: Senate Bill 810 adds moped and motorcycle riders to the list of vulnerable users of a public way.

Oregon Laws 2019: Chapter 349

[Senate Bill 843](#)

Not Enacted

Small Estate Affidavit

Chief Sponsors: Sen. Thatcher

Committees: Senate Judiciary

Background and Current Law: Oregon's probate code allows a simplified probate process for smaller estates. To use the small estate process, the fair market value of all assets of the estate must be no more than \$275,000, with no more than \$200,000 of that value derived from real property. This value was last increased in 2005.

Bill Summary: Senate Bill 843 would have increased the total fair market value of an estate eligible to use the small estate affidavit process from \$275,000 total to \$650,000 and increase the amount of the estate that can be real property from \$200,000 to \$500,000.

[Senate Bill 858](#)

Not Enacted

Law Libraries

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary

Background and Current Law: In order to enter into an agreement to provide law library services with the Judicial Department, law library association, or corporation to provide law library services, a county must have a population of at least 700,000 inhabitants.

Bill Summary: Senate Bill 858 would have removed the population floor required for agreements to provide law library services, thus allowing all counties to enter into such agreements.

[Senate Bill 873](#)

Effective Date: January 1, 2020

Records of Eviction

Chief Sponsors: Sens. Fagan, Frederick

At the request of: Troy Pickard

Committees: Senate Judiciary, House Judiciary

Background and Current Law: An action for forcible entry and wrongful detainer (FED) is the process for evicting a tenant from a property. The record of the eviction can remain public and may prohibit the person from securing another place to live or obtaining credit for several years.

Bill Summary: 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: 1) at least five years have passed since the eviction and the applicant has satisfied all money awards; 2) the judgment was stipulated by the parties and terms have been complied with and all money awards satisfied; or, 3) the judgment was in favor of the applicant. The measure also provides a process for a plaintiff in an eviction proceeding to challenge the set-aside.

Oregon Laws 2019: Chapter 351

[Senate Bill 891](#)

Not Enacted

Guardianship Hearings

Chief Sponsors: Sen. Dembrow; Rep. Hayden

Committees: Senate Judiciary

Background and Current Law: Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. Under current law, a court may require a hearing in a guardianship proceeding when an objection is filed, but a hearing is not required in most cases.

Bill Summary: Senate Bill 891 would have required a hearing on any petition for appointment of a fiduciary by the Oregon Public Guardian and Conservator or a county public guardian and conservator. The measure also would have required appointment of counsel for the proposed protected person in such hearings, unless the person is already represented or objects to appointment of counsel.

[Senate Bill 924](#)

Effective Date: June 13, 2019

Prohibiting Detention of Child Welfare Wards

Chief Sponsors: Sen. Manning Jr

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Under the Interstate Compact for Juveniles (ICJ), Oregon must be able to, when necessary, detain out-of-state runaways. Oregon laws governing delinquency detention do not otherwise allow for the detention of youth who have only committed status offenses or are only under the juvenile court's dependency jurisdiction. Nonetheless, portions of Oregon's statutes contain provisions that appear to allow children taken into protective custody pursuant to a dependency case, including those who have run away from their homes, to be placed in detention.

Bill Summary: Senate Bill 924 modifies the juvenile code to clarify that children taken into protective custody in dependency cases and Oregon children who have run away from home cannot be placed in detention facilities.

Oregon Laws 2019: Chapter 382

[Senate Bill 962](#)

Effective Date: January 1, 2020

Victims of Certain Crimes

Chief Sponsors: Sen. Taylor; Reps. Barker, Williamson, Helt

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The U nonimmigrant visa (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U visa with the passage of the Victims of Trafficking and Violence Protection Act in October 2000. The Act was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.

Bill Summary: Senate Bill 962 codifies procedural requirements for certifications of U visas and provides uniform data collection requirements and centralized analysis to ensure equitable distribution of U visa certifications.

Oregon Laws 2019: Chapter 472

[Senate Bill 965](#)

Not Enacted

Non-Controlled Substances and DUIIs

At the request of: Oregon District Attorneys Association

Committees: Senate Judiciary

Background and Current Law: Under current Oregon law, a person can be found guilty of driving under the influence of intoxicants (DUII) if the person drives a vehicle while that person: 1) has a .08 percent or more of alcohol in their blood by weight; 2) is under the influence of alcohol, cannabis, other controlled substances, or inhalants; or 3) is under the influence of any combination of alcohol, cannabis, other controlled substances, or inhalants. However, an individual will not be guilty of DUII if it is shown that the person's intoxication was caused by a product other than alcohol, cannabis, a controlled substance, or an inhalant, even if any of those substances are also present in the individual's system.

Bill Summary: Senate Bill 965 would have added drugs (as defined in ORS 475.005) when used in combination with intoxicating liquors, controlled substances, inhalants, or cannabis by a driver to intoxicating effect, to the list of substances that make an individual guilty of DUII. Senate Bill 965 would have also removed the current requirement that the prosecution include the allegation that the defendant was under the influence of a controlled substance or inhalant in the charging document if alleging that the defendant was driving under the influence of either a controlled substance or inhalant.

[Senate Bill 973](#)

Effective Date: July 15, 2019

Behavioral Health Pilot Programs

Chief Sponsors: Senate Committee on Judiciary

Committees: Senate Health Care, Senate Judiciary, Joint Ways and Means

Background and Current Law: Since 2018, Oregon has been working with the Council of State Governments' Justice Center team to develop an investment program for behavioral health services.

Bill Summary: Senate Bill 973 establishes the Improving People's Access to Community-based Treatment, Supports and Services Program within the Criminal Justice Commission. 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.

Oregon Laws 2019: Chapter 563

[Senate Bill 975](#)

Effective Date: January 1, 2020

Reduction of Marijuana Convictions

Chief Sponsors: Sen. Frederick

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In 2014, Oregon voters passed Ballot Measure 91, which allowed for the creation of a recreational marijuana market. Under Ballot Measure 91 and subsequent legislation passed by the Legislative Assembly, members of the public can grow, sell, and consume marijuana subject to certain conditions. Such activity had previously been illegal, unless for authorized medical purposes.

Bill Summary: Senate Bill 975 allows an individual convicted of a marijuana offense to request a reduction of the offense classification if the crime has since been: 1) reduced from a felony to a misdemeanor, 2) reduced from a felony to a violation, 3) reduced from a higher level felony to a lower level felony, or 4) reduced from a higher level misdemeanor to a lower level misdemeanor so long as the individual has completed his or her sentence. It provides that the person requesting the reduction is not required to pay otherwise applicable fees. Additionally, Senate Bill 975 requires the individual filing for the set-aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney's office 30 days to contest the requested reduction if the office believes the person's conviction is not eligible for an offense reduction. Finally, if the court does find that the individual is eligible for a reduction, it requires the court to amend the original judgment.

Oregon Laws 2019: Chapter 473

[Senate Bill 977](#)

Effective Date: June 17, 2019

Oregon Courts

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: A Justice of the Peace is an elected county official who presides over a justice court. Justice courts may hear cases involving violations, small claims, and evictions. Additionally, with the exception of metro-area counties and certain frontier counties, circuit court judges must be residents of the court district in which they would serve.

Bill Summary: Senate Bill 977 repeals statutes referencing the "form of justice's undertaking" and "qualifications of sureties." It also allows justices of the peace to be appointed in Prineville, the county seat of Crook County. Additionally, the measure allows for the election or appointment of circuit court judges from judicial districts adjacent to the district for which a judge is needed.

Oregon Laws 2019: Chapter 426

[Senate Bill 992-A](#)

Not Enacted

Pilot Program on Recidivism and Housing

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, Joint Ways and Means

Background and Current Law: In 2016, Lane County was awarded \$1,300,000 in grants to develop a "housing first" model to study housing outcomes and criminal re-offense rates. The partnership of local service providers and Lane County Parole and Probation is called The Way Home, which is seeking additional funding to support and expand the program.

Bill Summary: Senate Bill 992-A would have created a pilot program through the Criminal Justice Commission to provide housing and wraparound services to recently released offenders who are at high or medium risk of re-offending.

[Senate Bill 998](#)

Effective Date: January 1, 2020

Bicycles at Intersections

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: Under current Oregon law, individuals riding bicycles on public roads are treated like other vehicles and must stop at intersections controlled by stop signs or flashing red lights before proceeding through the intersection. Several other states, including Idaho, allow bicyclists to treat stop signs or flashing red lights as yield signs and proceed through the intersection if the bicyclist takes certain precautions.

Bill Summary: Senate Bill 998 allows a bicyclist approaching an intersection regulated by a stop sign or flashing red light at a safe speed to proceed through that intersection or make a turn without stopping. It also makes both improper entry into an intersection controlled by a stop sign and improper entry into an intersection controlled by a flashing red light a Class D traffic violation. A violation occurs when a bicyclist fails to yield to traffic within the intersection or to traffic that is approaching 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.

Oregon Laws 2019: Chapter 683

[Senate Bill 999](#)

Effective Date: January 1, 2020

Consent for DUII Testing

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In Oregon, an individual operating a vehicle on a public road is deemed to have given implied consent to an otherwise lawful breath, urine, or blood test if the person is arrested under suspicion of driving a vehicle while intoxicated. If a suspect refused to provide a sample, evidence of that refusal could be used against the suspect in court. Recently in *State v. Banks* (364 Or. 332, 2019), the Oregon Supreme Court 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. If a court determines that the refusal is an invocation of a constitutional right, then that defendant's refusal cannot be used against him or her in court.

Bill Summary: Senate Bill 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. First, 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. 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. At the same time, the officer will inform the suspect of the administrative penalties for failing to cooperate. 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.

Oregon Laws 2019: Chapter 475

[Senate Bill 1002](#)

Effective Date: January 1, 2020

Sentencing

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In cases in which it appears that the interest of the public in the effective administration of criminal justice would thereby be served, the district attorney may engage in plea discussions for the purpose of reaching a plea agreement. A plea agreement is an agreement between the defendant and the prosecutor in a criminal case where a defendant avoids trial for the certainty of the plea agreement. A plea agreement often contains dismissal of charges or an agreed sentence in return for a guilty or no contest plea. Sometimes these plea agreements can involve waiver of certain rights, such as the right to Alternative Incarceration Programs or waiver of the right to a preliminary hearing.

Bill Summary: Senate Bill 1002 prohibits district attorneys from requiring a defendant to waive their right to eligibility for any reductions in terms of incarceration when they receive a sentence that includes imprisonment in the Department of Corrections.

Oregon Laws 2019: Chapter 684

[Senate Bill 1008](#)

Effective Date: September 29, 2019

Juvenile Justice Reform

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Ballot Measure 11, passed by Oregon voters in 1994, requires mandatory minimum sentences for specific serious crimes and requires young people ages 15, 16, and 17 charged with those offenses to be automatically prosecuted and sentenced in adult court. During the 2017-18 interim, the Senate Committee on Judiciary convened a work group to examine the treatment of youth under Measure 11 and found that changes were necessary to ensure justice for victims, effectively protect the public, hold juvenile offenders accountable, and provide opportunities for reformation and rehabilitation that reduce recidivism and promote a productive citizenry.

Bill Summary: Senate Bill 1008 ends the automatic prosecution of 15-, 16- and 17-year-olds as adults for Measure 11 offenses, authorizes conditional release hearings for youth offenders under specified circumstances, and prohibits the imposition of a life sentence on youth offenders.

Oregon Laws 2019: Chapter 634

[Senate Bill 1011](#)

Effective Date: January 1, 2020

Spousal Support Obligations after Spouse Receiving Payment Attempts Murder of Payee Spouse

At the request of: Alex E. Gavriilidis and Brad Litchfield

Committees: Senate Judiciary, House Judiciary

Background and Current Law: When ordering compensatory spousal support in an annulment, dissolution, or separation, a court must consider a number of factors. Generally, a spouse seeking to modify or terminate a spousal support award must demonstrate a substantial change in economic circumstances. Failure to do so is a bar to any change in the underlying support award.

Bill Summary: Senate Bill 1011 allows the court to deny spousal support or any insurance benefit when the receiving spouse has been convicted of attempted murder or conspiracy to commit murder of the paying spouse. It also clarifies that a conviction for the attempted murder or conspiracy to commit the murder qualifies as a change in circumstances sufficient to trigger reconsideration of support provision.

Oregon Laws 2019: Chapter 354

[Senate Bill 1013](#)

Effective Date: September 29, 2019

Redefining Aggravated Murder

At the request of: Senate Committee on Judiciary

Committees: Senate Judiciary; House Rules

Background and Current Law: In 1984, two companion ballot measures were enacted that allow for a sentence of death when a defendant has committed aggravated murder. Since 1984, the definition of aggravated murder has been legislatively changed on at least two occasions as have the required jury findings.

Bill Summary: Senate Bill 1013 redefines the crime of aggravated murder, 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. It also clarifies that attempted aggravated murder and attempt of any degree of murder are Class A felonies. Finally, Senate Bill 1013 removes future dangerousness as a factor for the jury to determine when deciding whether to sentence a defendant convicted of aggravated murder to death and requires the state to prove beyond a reasonable doubt that the defendant should receive the death penalty.

Oregon Laws 2019: Chapter 635

[Senate Bill 1040-A](#)

Not Enacted

Liability for Discharge of Bullets in Rock Quarries

Chief Sponsors: Sen. Thatcher; Rep. Post

Committees: Senate Judiciary, House Judiciary

Background and Current Law: In June, homeowners in Marion County experienced bullets entering their homes and property. The bullets likely came from firearms discharged in a rock quarry across the river in Polk County.

Bill Summary: Senate Bill 1040-A would have attached liability on an owner, operator, or lessee of an active rock quarry or mine located in Polk County, adjacent to the Willamette River, and across the river from the City of Keizer, for any injury arising from bullets discharged on that property that stray off the property. Liability would have also attached if the owner failed to take reasonable measures to prevent further stray bullets from leaving the property after receiving notice that bullets had strayed. The measure also attached liability to the person who discharged the firearm from the property.

[Senate Concurrent Resolution 4](#)

Not Adopted

Cybersecurity Risk Management Policies

Chief Sponsors: Sen. Linthicum

Committees: Senate Judiciary, House Rules

Background and Current Law: Recent data breaches in Oregon agency records have exposed personal information of Oregonians.

Bill Summary: Senate Concurrent Resolution 4 would have recognized the goals of the state to promote broadband services and encourage and facilitate projects and businesses that improve Oregon's Internet infrastructure and connectivity. The resolution declared the policy of the State of Oregon is to promote, facilitate, and encourage activities, initiatives, projects, and businesses that improve the security of data and electronic communications, and to increase the awareness of cybersecurity risks and the need for proactive cybersecurity risk management for the benefit of Oregon's commercial, educational, governmental, and individual users.

[House Bill 2013](#)

Effective Date: June 4, 2019

Court Orders

Chief Sponsors: Rep. Williamson; Sens. Burdick, Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon law prohibits individuals convicted of qualifying misdemeanors against a family member or subject to specified court orders from knowingly possessing firearms or ammunition. A person subject to an order under this statute must have had actual notice and opportunity to be heard in a hearing on the order.

Bill Summary: House Bill 2013 eliminates the requirement that a person be present in court for an order restricting the possession of firearms to be enforceable. The measure states that an order is valid if a person has received notice of the opportunity to request a hearing in which to be heard and the person did not request a hearing. House Bill 2013 also establishes protocols to dispossess individuals of firearms when a court has made findings associated with a conviction or court order described in the measure prohibiting an individual from possessing firearms.

Oregon Laws 2019: Chapter 201

[House Bill 2014](#)

Not Enacted

Noneconomic damages

Chief Sponsors: Rep. Piluso; Sen. Fagan

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Noneconomic damages are subjective nonmonetary losses, including pain, mental suffering, emotional distress, injury to reputation, loss of care, comfort and companionship, and interference with normal activities aside from employment. In 2016, an Oregon Supreme Court case limited the recovery of all noneconomic damages to \$500,000.

Bill Summary: House Bill 2014 would have removed the \$500,000 cap on noneconomic damages arising out of claims for bodily injury and retained the cap for claims arising out of wrongful death.

[House Bill 2045](#)

Effective Date: June 20, 2019

Sex Offender Registration

At the request of: Governor Kate Brown for State Board of Parole and Post-Prison Supervision

Committees: House Judiciary, Senate Judiciary

Background and Current Law: House Bill 2549 (2013) directs the Department of Corrections (DOC) to develop and administer a sex offender risk assessment to determine the statistical likelihood of future offense prior to an individual's release from custody or within 60 days of being placed on community supervision. The measure also directs DOC to classify all sex offenders who were required to report before the implementation of the system, as well as those required to report in the future. The legislative assembly extended the deadline for implementation of the risk assessment in 2015 and then again in 2017.

Bill Summary: House Bill 2045 extends the deadline for classifying existing sex offenders to December 1, 2026, aligns state reporting requirements with similar federal regulations, and requires specified information be forwarded to the Department of State Police when a person has also waived their right to a hearing or has failed to appear at a hearing.

Oregon Laws 2019: Chapter 430

[House Bill 2046](#)

Not Enacted

Trooper staffing levels

At the request of: Governor Kate Brown for Oregon State Police

Committees: House Judiciary

Background and Current Law: The Oregon State Police (OSP) enforces traffic laws, investigates crimes, conducts forensic analysis, provides background checks, and collects and distributes law enforcement data. OSP also regulates gaming, the handling of hazardous materials and fire codes, maintains the sex offender registry, and enforces fish, wildlife, and natural resource laws. In 2016, OSP had 8 troopers per 100,000 persons. In the 1970's, there were nearly 30 troopers per 100,000 people.

Bill Summary: House Bill 2046 would have required OSP to bring patrol trooper staffing levels up to 15 troopers per 100,000 state residents by 2030.

[House Bill 2051](#)

Effective Date: September 29, 2019

SafeOregon Tip Line Information Disclosure

At the request of: Governor Kate Brown for Oregon State Police

Committees: House Judiciary, Senate Judiciary

Background and Current Law: The Oregon State Police contracts with a vendor to provide a 24-hour school-safety reporting program, called the "SafeOregon Tip Line."

Bill Summary: House Bill 2051 specifies that information shared by a person making a tip is not subject to disclosure under Oregon's public records laws unless it is in the public's interest to disclose it. Personally identifiable data is given an exemption from disclosure regardless of the circumstances.

Oregon Laws 2019: Chapter 130

[House Bill 2096](#)

Effective Date: September 29, 2019

Ethics Commission Attorney Fees

At the request of: Governor Kate Brown for Oregon Government Ethics Commission

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Currently, in a contested case hearing or appeal of decision, a person who prevails against the Oregon Government Ethics Commission is awarded attorney fees at the conclusion of the contested case or appeal.

Bill Summary: House Bill 2096 makes the award of attorney fees discretionary if the court finds in favor of a petitioner and allows the court to withhold attorney fee awards in whole or in part from a prevailing party if the court finds that the Commission proved that its actions were substantially justified or that special circumstances exist that would make an award of attorney fees unjust.

Oregon Laws 2019: Chapter 116

[House Bill 2227](#)

Effective Date: January 1, 2020

Mandatory Reporters of Suspected Child Abuse

Chief Sponsors: Rep. Barker; Sen. Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Any public or private official must immediately report suspected child abuse when the official has reasonable cause to believe that a child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.

Bill Summary: House Bill 2227 identifies animal control officers as public officials, thereby extending to them the duty to report child abuse.

Oregon Laws 2019: Chapter 137

[House Bill 2230](#)

Effective Date: January 1, 2020

Department of Corrections Nursing Overtime

Chief Sponsors: Reps. Schouten, Nosse

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Oregon law creates restrictions on the amount of mandatory overtime nursing staff in a hospital may be required to work. Specifically, hospital nursing staff may not be required to work: beyond any agreed-upon prearranged shift; more than 48 hours in any hospital-defined work week; more than 12 hours in a 24-hour period; or during the 10-hour period immediately following the 12th hour worked in any 24-hour period. Exceptions to the rule include unannounced staff vacancies and emergency situations.

Bill Summary: House Bill 2230 provides restrictions on the amount of mandatory overtime nursing staff at Department of Corrections facilities may be required to work that mirror restrictions for hospital nursing staff and provide specific exceptions.

Oregon Laws 2019: Chapter 582

[House Bill 2238](#)

Not Enacted

Judicial Salaries

At the request of: Chief Justice Martha L. Walters for Judicial Department and Oregon Circuit Court Judges Association

Committees: House Committee on Judiciary

Background and Current Law: According to the National Center for State Courts, as of July 1, 2018, Oregon ranks near the bottom of the 50 states for judicial salaries at all levels of courts. In particular, Oregon is ranked 46th of 51 jurisdictions for compensation of judges in courts of general jurisdiction. For Supreme Court justices, Oregon ranks 38th nationally.

Bill Summary: House Bill 2238 would have amended the process for determining judicial salaries and would have required an adjustment every two years to make judicial salaries a percentage of the salary of the U.S. District Court judicial salary.

[House Bill 2239](#)

Not Enacted

Judges in Judicial Districts

At the request of: Chief Justice Martha L. Walters for Judicial Department

Committees: House Judiciary

Background and Current Law: Oregon's courts of general jurisdiction are the circuit courts, which are organized into 27 judicial districts with 173 judges serving in those districts.

Bill Summary: House Bill 2239 would have increased the number of judges in 12 of the 27 judicial districts, bringing the total number of judges serving in circuit courts to 187.

[House Bill 2240](#)

Effective Date: September 29, 2019

Central Violations Bureau

At the request of: Chief Justice Martha L. Walters for Judicial Department

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Currently, courts may establish a Violations Bureau with authority over any violation. A clerk of a local Violations Bureau accepts written appearances, waivers of trial, pleas of no contest, and payments for violations.

Bill Summary: House Bill 2240 authorizes the State Court Administrator to establish a centralized Violations Bureau and allows circuit courts to send violations to the Central Violations Bureau.

Oregon Laws 2019: Chapter 60

[House Bill 2241-A](#)

Not Enacted

Court Technology Fees

At the request of: Chief Justice Martha L. Walters for Judicial Department

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: The Chief Justice may establish reasonable fees for access to electronic documents on the Oregon Judicial Case Information Network (OJCIN). Currently, the fee schedule charges a flat \$150 non-refundable set-up fee and a monthly user fee, which can range from \$25 per month to \$200 per month, depending on the size of the law firm. Each account also has a \$15 user profile fee. Data resellers are treated separately from law firms or general access accounts and pay a \$1,500 - \$2,075 base rate per month and a \$250 user profile fee.

Bill Summary: House Bill 2241-A would have authorized the Chief Justice to charge reasonable fees of public bodies for electronic filing services. Moneys collected from public bodies would have been deposited into the State Court Technology Fund.

[House Bill 2244-A](#)

Not Enacted

CourtCare Funding

At the request of: House Interim Committee on Early Childhood and Family Supports

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: CourtCare is a program available in some Oregon circuit courts that provides child care within courthouses, allowing parents or guardians to leave children in a safe environment without exposing them to potentially traumatic courtroom proceedings.

Bill Summary: House Bill 2244-A would have expanded the current CourtCare pilot programs to include Jackson County and would have appropriated \$370,000 from the General Fund for continued operation of the pilot programs through January 2, 2023. The measure also would have created the Task Force on CourtCare to study and recommend a long-term funding source for statewide CourtCare programs.

[House Bill 2258-A](#)

Not Enacted

Family Dependency Treatment Courts

At the request of: Governor Kate Brown for Office of the Governor

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: In 2017, 11,645 children spent at least one day in foster care; over 65 percent of those children entered foster care because a parent had a drug or alcohol abuse problem. Family Dependency Treatment Courts (FDTC) are for families where a parent's substance abuse problem has been cause for child welfare intervention and their purpose is to guide child-welfare-involved families into treatment with intensive judicial supervision.

Bill Summary: House Bill 2258-A would have directed the Oregon Judicial Department (OJD) to develop and support a FDTC Pilot Program in Coos, Deschutes, Douglas, and Marion Counties. It also would have required OJD to collect data and report outcomes on the FDTC program to the legislature on a biannual basis.

[House Bill 2285](#)

Effective Date: January 1, 2020

Receivership Proceedings

Chief Sponsors: Rep. Witt; Sen. Hansell

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Receivership is a legal process in which a court may appoint an entity to manage the affairs of another entity. Cities and counties may be appointed as receiver of abandoned or derelict property that poses a health or safety hazard. Upon appointment of a receiver after proper notice and findings, the receiver may take possession and control of the property, enter, modify, or terminate leases or rental agreements, and take other actions to abate the hazard posed by the property.

Bill Summary: House Bill 2285 allows a city or county to obtain a judgment against a property for costs incurred in abating the hazard in lieu of undertaking a receivership. Additionally, the measure clarifies receivership proceedings and reporting and notice requirements for residential properties that a city or county determine are threats to public health, safety, or welfare.

Oregon Laws 2019: Chapter 191

[House Bill 2299](#)

Not Enacted

Crime of Fleeing or Attempting to Elude a Police Officer

Chief Sponsors: Reps. Post, Noble, Barker

Committees: House Judiciary, Senate Judiciary

Background and Current Law: A person commits the crime of fleeing or attempting to elude a police officer if the person attempts to flee or elude after a clearly identifiable police officer signals to bring the vehicle to a stop.

Bill Summary: House Bill 2299 would have created enhanced penalties for individuals who commit the crime of attempting to elude an officer and, while fleeing in a vehicle, drive in a residential, business, or school zone, or exceed a posted speed limit by 30 miles per hour. The mandatory time of imprisonment would have increased for individuals with previous convictions for fleeing or attempting to elude a police officer. The maximum sentence of imprisonment a person could have received under House Bill 2299 was 90 days jail for three or more convictions.

[House Bill 2328](#)

Effective Date: January 1, 2020

Unauthorized Use of a Vehicle

Chief Sponsors: Reps. Barker, Alonso Leon, Bynum, Lewis, Nosse, Piluso, Williamson; Sens. Monnes Anderson, Prozanski, Dembrow, Knopp

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: In prosecutions for the unlawful use of a vehicle, the state must prove beyond a reasonable doubt that the defendant knows the vehicle is being operated without the owner's consent. While a judge or jury may base a conviction on reasonable inferences drawn from circumstantial evidence, the Court of Appeals has concluded that certain fact patterns "require the stacking of inferences to the point of speculation."

Bill Summary: House Bill 2328 reduces the required mental state and allows a conviction for the unlawful use of a vehicle if the state proves beyond a reasonable doubt that the defendant "is aware of and consciously disregards a substantial and unjustifiable risk" that the owner does not consent to the use of the vehicle. A passenger who knew that the owner of the vehicle did not consent to its use and rode in the vehicle may also be subject to unlawful use of a vehicle.

Oregon Laws 2019: Chapter 530

[House Bill 2338](#)

Not Enacted

Oregon Criminal Justice Commission

Chief Sponsors: Reps. Stark, Williamson; Sen. Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: This year the Oregon sentencing guidelines are 30 years old. In the intervening three decades since the creation of Oregon's guidelines, many different models and approaches have been developed across the country. The Federal Grid is much more expansive than Oregon's particularly as it relates to offense leveling.

Bill Summary: House Bill 2338 would have directed the Oregon Criminal Justice Commission to conduct a study on criminal sentencing outcomes and present a report on its findings to interim committees of the Legislative Assembly related to judiciary.

[House Bill 2353](#)

Effective Date: June 4, 2019

Public Records

Chief Sponsors: Rep. Power; Sens. Dembrow, Gelser

Committees: House Judiciary, Senate Business and General Government

Background and Current Law: Under Oregon law, every person has the right to inspect any public record of a public body in this state, subject to exemptions. Unless otherwise expressly provided by statute, the custodian of any public record must furnish proper and reasonable opportunities for inspection and examination of the records. A public body must respond to a written public records request as soon as practicable and without unreasonable delay.

Bill Summary: House Bill 2353 allows the Attorney General, a district attorney, or a court, when it finds that a public body responded to a request with undue delay or failed to respond to the request, to order a fee waiver or reduction and may require the public body pay a \$200 penalty to the requester.

Oregon Laws 2019: Chapter 205

[House Bill 2393](#)

Effective Date: January 1, 2020

Dissemination of Intimate Images

At the request of: Attorney General Ellen Rosenblum

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Current statute prohibits disclosure of an intimate, identifiable image through an internet website without consent from the subject. It does not prohibit the dissemination of intimate images through other means, including texting or personal device applications.

Bill Summary: House Bill 2393 makes it a crime to disseminate intimate images without consent of the subject or specified images of minors, regardless of the method of transmission. The measure creates a private right of action for the person, or the parents or guardian of the person depicted in the image, and caps liability for the defendant at \$5,000 per plaintiff.

Oregon Laws 2019: Chapter 304

[House Bill 2395](#)

Effective Date: January 1, 2020

Smart Device Protection

At the request of: Attorney General Ellen Rosenblum

Committees: House Judiciary, Senate Judiciary

Background and Current Law: “Smart” features allow devices to communicate with the Internet to send or receive data, and are increasingly common in consumer goods. According to the Federal Bureau of Investigation, cyber actors actively search for and compromise vulnerable smart devices for use as proxies or intermediaries for Internet requests to route malicious traffic for cyberattacks and computer network exploitation.

Bill Summary: House Bill 2395 requires smart device manufacturers to equip the connected device with reasonable security features. The features should protect information that the connected device collects, contains, stores, or transmits from access, destruction, modification, use, or disclosure that the consumer does not authorize. Failure to build in reasonable security would be a violation of Oregon’s consumer protection law enforced by the Attorney General.

Oregon Laws 2019: Chapter 193

[House Bill 2399](#)

Effective Date: January 1, 2020

Criminal Procedure

At the request of: Attorney General Ellen Rosenblum

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Criminal procedure is the process for adjudicating criminal violations. Oregon’s criminal procedure statutes are updated as necessary to ensure consistency and resolve procedural issues.

Bill Summary: House Bill 2399 updates several provisions of Oregon’s criminal procedure statutes. The measure includes appeals from the grant of a pre-trial demurrer in the list of state appeals expedited to a higher court. The measure also resolves inconsistent handling of post-conviction relief actions by requiring the Oregon Department of Justice (DOJ) to assume responsibility for cases where the petitioner has been released from prison and is now on post-prison supervision, and clarifies unclear provision related to post-conviction relief. Finally, the measure increases the presumed dollar amount of stolen property from \$50 to \$100 to align with the dollar amount for Theft III violations.

Oregon Laws 2019: Chapter 399

[House Bill 2400](#)

Effective Date: June 17, 2019

Late Notice of Appeal for Civil Commitments

At the request of: Attorney General Ellen Rosenblum

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In criminal appeals, defendants can file a motion for late appeal if they have missed the 30-day deadline to file an appeal. The same timelines and standards apply to a motion for a late appeal in delinquency, dependency, and post-conviction relief cases. Under current law, individuals who are civilly committed have a statutory right to appeal, but there is no provision allowing for a motion for late appeal.

Bill Summary: House Bill 2400 creates a timeline and process for late appeal in civil commitment cases consistent with those found in criminal and juvenile cases.

Oregon Laws 2019: Chapter 400

[House Bill 2401](#)

Effective Date: June 11, 2019

Profiling

At the request of: Attorney General Ellen Rosenblum

Committees: House Judiciary, Senate Judiciary

Background and Current Law: The 2017 Legislative Assembly enacted House Bill 2355, which intended to collect data on peace officers' discretionary detentions of pedestrians. However, ORS 131.930(3) inadvertently limited the collection of data to discretionary detentions that result in law enforcement actions other than probable cause searches in which nothing was found.

Bill Summary: House Bill 2401 removes the limiting language and expands the scope of discretionary detentions of pedestrians that officers are required to report, aligning the statute with the intent of the original legislation.

Oregon Laws 2019: Chapter 305

[House Bill 2428](#)

Effective Date: September 29, 2019

Public Indecency

Chief Sponsors: Reps. Lewis, Sprenger

Committees: House Judiciary, Senate Judiciary

Background and Current Law: A person commits the crime of public indecency if while in, or in view of, a public place, the person performs an act of sexual intercourse; an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person. The act of masturbation in, or in view of, a public place is not encompassed by the conduct prohibited by the statute if the act does not expose the genitals of the person.

Bill Summary: House Bill 2428 includes the act of public masturbation in the crime of public indecency.

Oregon Laws 2019: Chapter 65

[House Bill 2430](#)

Effective Date: January 1, 2020

Public Records Advisory Council

Chief Sponsors: Rep. Power; Sens. Prozanski, Thatcher

At the request of: Public Records Advisory Council

Committees: House Judiciary, Senate Business and General Government

Background and Current Law: Senate Bill 106 (2017) established the office of the Public Records Advocate (PRA) and the Public Records Advisory Council (PRAC). The PRA is nominated by the PRAC and appointed by the Governor and provides public records training and dispute resolution services for disputes arising from a request to inspect or receive copies of public records. The PRAC meets at least twice annually to consider issues related to public records and make recommendations to enhance transparency. The PRAC was set to sunset on January 1, 2021.

Bill Summary: House Bill 2430 removes the sunset date of the PRAC and establishes two-year terms for PRAC members other than the PRA.

Oregon Laws 2019: Chapter 107

[House Bill 2431-A](#)

Not Enacted

Public Records Report

Chief Sponsors: Rep. Power; Sens. Prozanski, Thatcher

At the request of: Public Records Advisory Council

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Current statute requires a public body to complete its response to a written public records request as soon as practicable and without undue delay.

Bill Summary: House Bill 2431-A would have required each state agency to submit a report to the Attorney General, the Public Records Advocate, and the public records subcommittee of the Legislative Counsel Committee on or before March 1 of each year with the number of requests for records received by the agency, the number of requests for records for which the agency had not completed its response within the statutory requirements or had not been completed within 60 days of the request, and the number of requests for a fee waiver or reduction that the agency has both granted and denied.

[House Bill 2459](#)

Effective Date: January 1, 2020

Lienholder Statements

At the request of: House Interim Committee on Judiciary for Oregon State Bar Debtor-Creditor Law Section

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Multiple entities may hold liens on a property. In some instances, one lienholder may attempt to gather information on the amount of a senior lien so that it can be paid off. However, various state and federal laws may prohibit disclosure of that information, making it more difficult for a junior lienholder to obtain information on how to pay off a more senior lien.

Bill Summary: House Bill 2459 sets up a process allowing a person or agent of a person holding a lien to request an itemized statement from another lienholder.

Oregon Laws 2019: Chapter 140

[House Bill 2462](#)

Effective Date: January 1, 2020

Justice-involved Servicemembers

At the request of: House Interim Committee on Judiciary for Oregon State Bar Military and Veterans Law Section

Committees: House Judiciary, Senate Judiciary

Background and Current Law: There are over 20 million veterans in the U.S., making up less than 10 percent of the total population. A study in 2012 found that nine percent of Iraq and Afghanistan war veterans became involved in the criminal justice system upon returning home. Veterans of any age account for approximately eight percent of the prison and jail population.

Bill Summary: House Bill 2462 requires courts to inform defendants that servicemember status may make a defendant eligible for treatment programs, specialty courts, or mitigated sentencing. The measure allows the defendant to notify the court of the defendant's status as a servicemember and prohibits the use of status as a servicemember as an aggravating factor for sentencing purposes.

Oregon Laws 2019: Chapter 86

[House Bill 2466](#)

Effective Date: January 1, 2020

Homeowner Associations

At the request of: House Interim Committee on Judiciary for Oregon Condominium Working Group

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Current statute requires a homeowner or condominium owner association board to keep financial records sufficient for accounting purposes. If annual assessments are over \$75,000, the association must produce a financial statement for review by an independent auditor.

Bill Summary: House Bill 2466 requires homeowner and condominium owner associations to maintain a fidelity bond against computer fraud or fund transfer fraud for all persons with access to association funds. The amount of funds must be at least equal to the funds in the association account and federal bonds held by the association. The measure also provides a mechanism to waive the requirement.

Oregon Laws 2019: Chapter 66

[House Bill 2471](#)

Effective Date: January 1, 2020

Parking Violation Hearing Fees

At the request of: House Interim Committee on Judiciary

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Under current law, cities may impose fines for violating city ordinances, including ordinances related to parking. If a city issues a ticket for a parking violation, the defendant may enter a plea of "guilty" or "no contest" and pay the fine, or enter a plea of "not guilty" and set a date for trial. In many jurisdictions, a defendant can also offer a written plea and explanation to the court to have the charge dismissed or the fine reduced. Some cities in Oregon require that a bail amount be paid before the court can set a trial date or consider a written explanation.

Bill Summary: House Bill 2471 prohibits a court from requiring a defendant to pay the full fine amount or a bail amount before the defendant may request a trial or submit a written explanation to the court for parking violations.

Oregon Laws 2019: Chapter 67

[House Bill 2472](#)

Effective Date: September 29, 2019

Sexual Offense Therapy

At the request of: House Interim Committee on Judiciary for Oregon Sexual Assault Task Force

Committees: House Judiciary, Senate Judiciary

Background and Current Law: The Sex Offender Treatment Board (SOTB) was established in 2017 to provide oversight of and establish standards of practice for all professionals providing sexual abuse specific treatment services in Oregon.

Bill Summary: House Bill 2472 closes loopholes that have allowed professionals without the agreed upon expertise and training to provide treatment services to individuals convicted of sexual crimes by ensuring all professionals providing treatment services are required to complete the same training and receive the same oversight.

Oregon Laws 2019: Chapter 68

[House Bill 2480](#)

Effective Date: June 11, 2019

Hearsay

At the request of: House Interim Committee on Judiciary

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. The Oregon Court of Appeals 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.

Bill Summary: House Bill 2480 provides an exception to the hearsay 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.

Oregon Laws 2019: Chapter 306

[House Bill 2485](#)

Effective Date: January 1, 2020

Condominium Association Governance

At the request of: House Interim Committee on Judiciary for Oregon Condominium Working Group

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon law governing condominiums is found in Chapter 100 of the Oregon Revised Statutes. In order to form a condominium association, a declaration must be properly filed with the Real Estate Agency. Additional governance for condominiums comes from the bylaws.

Bill Summary: House Bill 2485 provides an update to numerous sections of Chapter 100 and creates processes for adopted restated declarations, restated assignments of use of limited common elements, and restated bylaws.

Oregon Laws 2019: Chapter 69

[House Bill 2500](#)

Effective Date: January 1, 2020

Veterinary Care of Abused Animals

Chief Sponsors: Rep. Wilde

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Individuals and veterinarians who provide care for a domestic animal suspected of having been injured by abuse do not currently have a means to recover their costs for delivering care. "Domestic animal" is defined as an animal, other than livestock or equines, that is owned or possessed by a person.

Bill Summary: House Bill 2500 creates a private right of action for recovery of expenses incurred by an individual for veterinary care of an abused domestic animal. The right of action created by this bill does not apply to equine or livestock. The existence of a criminal action is not required in order for an individual to file a civil claim under House Bill 2500.

Oregon Laws 2019: Chapter 161

[House Bill 2514](#)

Effective Date: January 1, 2020

Student Privacy

Chief Sponsors: Rep. Doherty

Committees: House Judiciary, Senate Education

Background and Current Law: Current statute requires any hearing held by a district school board on matters pertaining to, or examination of, confidential medical records of a student, including that student's educational program, shall be held in private.

Bill Summary: House Bill 2514, expands this requirement to include hearings that pertain to, or examine, any confidential records of a student, not only medical records.

Oregon Laws 2019: Chapter 196

[House Bill 2515](#)

Effective Date: January 1, 2020

Correctional Facilities Provision of Menstrual Products

Chief Sponsors: Reps. Doherty, Piluso

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Current law is silent on whether correctional and detention facilities must provide menstruation products to individuals in their care. On August 1, 2017, the Federal Bureau of Prisons issued a new policy requiring that all female inmates have access to a range of menstruation products.

Bill Summary: House Bill 2515 directs lockup facilities, local correctional facilities, regional correctional facilities, Oregon Department of Corrections, juvenile detention facilities, and the Oregon Youth Authority to provide individuals in their care with a range of sanitary menstruation products.

Oregon Laws 2019: Chapter 489

[House Bill 2589](#)

Effective Date: May 6, 2019

Employment Discrimination

Chief Sponsors: Reps. Power, Nosse; Sen. Taylor

Committees: House Committee on Judiciary, Senate Committee on Judiciary

Background and Current Law: Oregon law prohibits discrimination against individuals with disabilities in employment and requires employers to make reasonable accommodations for those with disabilities.

Bill Summary: House Bill 2589 updates language relating to sexual orientation as it applies to employment discrimination. The measure clarifies that sexual orientation is not considered a physical or mental impairment and that an individual does not have a disability solely by reason of that individual's sexual orientation.

Oregon Laws 2019: Chapter 71

[House Bill 2598](#)

Effective Date: January 1, 2020

Stewardship Trusts

Chief Sponsors: Rep. Fahey

Committees: House Revenue, House Judiciary, Senate Judiciary

Background and Current Law: One type of trust currently allowed in Oregon is a noncharitable purpose trust. Such trusts may be created without a definite beneficiary and may not continue to exist for more than 90 years.

Bill Summary: House Bill 2598 allows the establishment of a stewardship trust. The stewardship trust allows an entity to continue on after the retirement or death of members of the entity, such as shareholders in a corporation, while preserving the values and goals of the original members.

Oregon Laws 2019: Chapter 162

[House Bill 2601](#)

Effective Date: January 1, 2020

Guardianship Proceedings

Chief Sponsors: Reps. Nathanson, Piluso; Sens. Prozanski, Wagner

Committees: House Human Services and Housing, House Judiciary, Senate Judiciary

Background and Current Law: Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another.

Bill Summary: House Bill 2601 limits a guardian's ability to restrict a protected person's contacts to situations in which the guardian determines it is necessary to avoid unreasonable harm to the person's health, safety, or well-being. It provides a process for challenging a restriction. Additionally, the measure adopts the standards of practice from the National Guardianship Association into Oregon's statutes, including requiring that guardians should use a substitute judgment standard for decision-making.

Oregon Laws 2019: Chapter 198

[House Bill 2614](#)

Not Enacted

Traffic Fine Suspensions

Chief Sponsors: Reps. Williamson, Barker

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Under ORS 809.210, a court can order the suspension of an individual's driving privileges if that individual fails to pay court fines related to a driving offense or fails to meet a requirement ordered in lieu of a fine. The suspension will stay in place for 20 years unless the individual presents a reinstatement notice from the court to DMV showing that the individual: 1) has paid the fine in full; 2) is making payments following a court-approved payment plan; 3) is enrolled in a pre-apprentice program; or 4) is a registered apprentice. As of January 1, 2019, individuals who have had their driving privileges suspended for failure to pay traffic-related fines or for failing to appear at a court proceeding are eligible to apply for a hardship permit, which allows suspended individuals to drive for certain specific purposes, such as for work or medical treatment.

Bill Summary: House Bille 2614 would have removed the authority of courts to impose driving privilege suspensions based on an individual's failure to pay traffic-related court fines or meet requirements ordered in lieu of fines.

[House Bill 2615](#)

Not Enacted

Nonunanimous Jury Verdicts in Criminal Trials

Chief Sponsors: Rep. Williamson

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon is the only state in the United States that allows for nonunanimous jury verdicts in criminal trials.

Bill Summary: House Bill 2615 would have removed the statutory authority for nonunanimous jury verdicts in criminal trials.

[House Bill 2625](#)

Effective Date: May 14, 2019

Missing Native American Women

Chief Sponsors: Rep. Sanchez; Sens. Hansell, Riley, Roblan

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Murder is the third leading cause of death among American Indian and Alaska Native women. The 2018 Urban Indian Health Institute Report on Missing and Murdered Indigenous Women & Girls reported in 2016 that there were 5,712 cases of murdered and missing indigenous women and girls, which took place at similar rates on reservations and in urban areas. Of these 5,712 cases, only 116 were logged into the Department of Justice (DOJ) database.

Bill Summary: House Bill 2625 requires Oregon State Police (OSP) to study how OSP resources addressing the investigation of these missing and murdered Native American and Alaskan women can be increased and to report back to the Legislative Assembly by September 15, 2020.

Oregon Laws 2019: Chapter 119

[House Bill 2631](#)

Effective Date: June 25, 2019

Coffee Creek Legal Services Pilot Program

Chief Sponsors: Rep. Sanchez

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Individuals in Oregon have no right to civil legal services, and incarcerated individuals have limited access to attorneys and resources to engage in civil legal work. Federal regulations prohibit legal services organizations, such as Legal Aid Services of Oregon, from providing civil legal services to incarcerated individuals. The Oregon Justice Resource Center, working in partnership with Red Lodge Transition Services and using grant funds, provides limited civil legal services to women at the Coffee Creek Correctional Facility.

Bill Summary: House Bill 2631 directs the Department of Corrections (DOC) to create and evaluate a pilot program that would assign three full-time attorneys to Coffee Creek Correctional Facility to work with incarcerated women to address legal issues related to their community reentry and reintegration.

Oregon Laws 2019: Chapter 481

[House Bill 2657-A](#)

Not Enacted

Violence Prevention

Chief Sponsors: Reps. Salinas, Stark; Sens. Wagner, Fagan, Taylor

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Oregon has one of the highest rates of domestic and sexual violence in the nation, with approximately 1 million women and girls affected in their lifetime. At least one in six men in Oregon experience sexual violence. Youth who experience dating or sexual violence have higher rates of suicidal thoughts and other health consequences such as anxiety and depression, difficulty concentrating, and a loss of hope. Prevention programs promote healthy relationships, teach bystander intervention skills, and promote change in social norms and the prevention of sexual harassment, sexual assault, and dating and interpersonal violence.

Bill Summary: House Bill 2657-A would have created a funding program dedicated to comprehensive violence prevention education.

[House Bill 2750](#)

Not Enacted

Interactions with Persons who have Experienced Trauma

Chief Sponsors: Reps. Marsh, Noble, Sprenger, Piluso; Sens. Prozanski, Winters

At the request of: Oregon Association Chiefs of Police, Oregon State Sheriffs' Association

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Victims of a violent crime often experience a traumatic or high-stress neurological response that inhibits the victim's ability to recount details of the incident. Law enforcement officers trained in trauma-informed interviewing techniques can help a trauma victim process the experience and facilitate the collection of accurate evidence. Trauma-informed training and awareness provides officers with an understanding of what responses are consistent with a person who is experiencing trauma and how to appropriately support that individual.

Bill Summary: House Bill 2750 would have created funding to train Oregon law enforcement agencies to implement interview and response techniques consistent with identified best practices when interacting with victims of trauma.

[House Bill 2771](#)

Not Enacted

International Custody Dispute Education Program for Judges

Chief Sponsors: Reps. McLain, Hernandez; Sens. Manning Jr., Gelser

Committees: House Human Services and Housing

Background and Current Law: To be a judge in Oregon, a person must be a member of the Oregon State Bar (OSB). OSB members must complete a minimum of 45 continuing legal education (MCLE) credit hours in each 3-year reporting period. There are requirements for the type of credits that must be earned from subject areas that include: ethics, practical skills, access to justice, child abuse and elder abuse reporting, mental health/substance use, and access to justice. The MCLE rules are administered by the Board of Governors (BOG) of the OSB and may be modified by the BOG subject to approval by the Oregon Supreme Court. The Judicial and Leadership Education Committee and the Juvenile Court Improvement Program (both within the Oregon Judicial Department) plan and vet additional legal education opportunities specifically for judges.

Bill Summary: House Bill 2771 would have directed the State Court Administrator to implement an education program for state judges focused on issues that arise in international custody disputes.

[House Bill 2797](#)

Not Enacted

Homicide Resulting from Controlled Substance Offense

Chief Sponsors: Rep. Barker; Sen. Johnson

Committees: House Judiciary

Background and Current Law: The mandatory minimum sentences currently in place for the crime of unlawful delivery or manufacture of a controlled substance are generally triggered by type and quantity of the substance possessed or manufactured. There is no minimum sentence for an individual found to have manufactured or delivered a controlled substance that contributes to the death of an individual.

Bill Summary: House Bill 2797 would have created a new enhancement factor triggering a mandatory minimum sentence for any person found to have manufactured or delivered controlled substances that contributed to the death of an individual consuming them.

[House Bill 2842](#)

Not Enacted

Amendment of Birth Records

Chief Sponsors: Rep. Nearman

At the request of: Bob Weaver

Committees: House Judiciary

Background and Current Law: Current statute provides guidance on amending records of live birth. In adoption proceedings, the State Registrar of the Center for Health Statistics may replace a record of live birth and substitute it for the original. The original and all evidence submitted with the request or court order for replacement is then placed under seal and is not subject to inspection. These records may be unsealed only upon court order or when requested by an agency operating a voluntary adoption registry.

Bill Summary: House Bill 2842 would have required the Center for Health Statistics to enter the name of each parent on an original record of live birth upon request of the individual, if the parents are determined by a court or by administrative division and the original record was sealed but later unsealed.

[House Bill 2849](#)

Effective Date: January 1, 2020

Protective Custody of Children

Chief Sponsors: Reps. Sanchez, Noble; Sen. Gelser

Committees: House Judiciary; Joint Ways and Means

Background and Current Law: Current Oregon law allows a child to be taken into protective custody without a court order when the conditions or surroundings appear to jeopardize the child's welfare. This standard is at odds with case law applying the Fourth and Fourteenth Amendments of the U.S. Constitution.

Bill Summary: House Bill 2849 provides new standards for when a child may be taken into protective custody without a court order, specifically when there is reasonable cause to believe that there is an imminent threat of severe harm, the child has run away from home, or there is an imminent threat that the child will be removed from the jurisdiction of the court before steps can be taken to assess and protect the child. The measure provides a standard for Indian children that is in line with the Indian Child Welfare Act (ICWA), allowing removal only when necessary to prevent imminent physical damage or harm to the child.

Oregon Laws 2019: Chapter 594

[House Bill 2866](#)

Not Enacted

Required Actions with Respect to Personal Information of Resident Individuals

At the request of: American Civil Liberties Union, Oregon Citizens' Utility Board, Oregon Student Public Interest Research Group

Committees: House Judiciary

Background and Current Law: According to a Pew Research survey, 91 percent of adults believe that consumers have lost control over how personal information is collected and used by companies. Many operators of commercial websites and online services collect personal information from Oregonians, including information on health, finances, location, politics, religion, sexual orientation, and shopping habits. Many operators share this information with third parties, including advertisers and data brokers.

Bill Summary: House Bill 2866 would have required entities engaging in data collection to provide clear disclosures to and receive express consent from individuals about the breadth of collection and scope of use of the data they intend to collect. The measure would have prohibited companies from offering incentives to individuals who consent to the use of their data or penalties to those who do not.

[House Bill 2882](#)

Not Enacted

Contamination by Genetically Engineered Organisms

Chief Sponsors: Reps. Helm, Marsh, Sanchez, Wilde; Sen. Golden

Committees: House Judiciary; House Rules

Background and Current Law: A genetically modified organism (GMO) is an organism that has some genetic changes produced through laboratory techniques, including manipulation of genetic material or introduction of modified genetic material into the organism. GMO crops may be produced to be resistant to pesticides and herbicides, to combat disease and parasites, or to increase nutritional value. Several countries ban producing or importing GMO crops due to the possibility of accidental contamination of standard crops with GMO products.

Bill Summary: House Bill 2882 would have created an avenue for a person to sue the patent holder of a GMO product if the GMO product is found on land without permission.

[House Bill 2932](#)

Effective Date: June 20, 2019

Immigration Status of Criminal Defendants

Chief Sponsors: Reps. Hernandez, Williamson, Power; Sens. Manning Jr, Dembrow

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon law requires courts to inform a defendant, prior to allowing entry of a plea, that a conviction of a crime may result in deportation or exclusion from admission into the United States for non-citizens.

Bill Summary: House Bill 2932 gives a defendant additional time to enter a plea decision after being informed of possible adverse immigration consequences and prohibits inquiry into a defendant's citizenship status at any time during a criminal proceeding.

Oregon Laws 2019: Chapter 437

[House Bill 2959](#)

Not Enacted

Offensive Littering

At the request of: League of Oregon Cities

Committees: House Judiciary

Background and Current Law: In a 2018 case, the Oregon Court of Appeals found that the crime of offensive littering does not encompass urine and urination.

Bill Summary: House Bill 2959 would have amended the crime of offensive littering to include the act of discharging human waste to the crime of offensive littering.

[House Bill 3005](#)

Effective Date: July 1, 2019

Interlock Ignition Device Oversight

At the request of: Oregon Department of Transportation

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In 2017, the Legislative Assembly passed House Bill 2638, which set standards for the installation and maintenance of interlock ignition devices (IIDs). These devices are installed in a person's vehicle after that individual is convicted of driving under the influence of intoxicants (DUI) or enters a DUI diversion program. The IID prevents a person from starting his or her vehicle if the device detects the presence of alcohol in the person's breath. The presence of alcohol also triggers a negative report from the device, which goes to the device service center and ultimately to the court. IIDs are provided and installed by private companies with oversight from the Oregon Department of Transportation (ODOT). This oversight authority will transfer from ODOT to Oregon State Police (OSP) on July 1, 2019.

Bill Summary: House Bill 3005 defines and clarifies the responsibilities of an IID manufacturer's representative and an IID service center, and changes the percent blood alcohol level needed to trigger a negative report from .00 to .02 to conform with national best practice standards. It also clarifies the background check standards for IID technicians, expands OSP's ability to assess fees to fund the program, and directs OSP to develop a process by which an individual can contest a negative report.

Oregon Laws 2019: Chapter 200

[House Bill 3006](#)

Effective Date: January 1, 2020

Probate of Estates With No Known Assets

At the request of: Oregon Law Commission Probate Modernization Work Group

Committees: House Judiciary; Senate Judiciary

Background and Current Law: Probate is a legal proceeding to settle an estate or carry out the provisions of a will. Sometimes a probate proceeding must be opened in order to give a personal representative authority to manage an estate, even though no assets will be distributed through the estate.

Bill Summary: House Bill 3006 removes several required processes in the probate of an estate with no known assets and provides processes for completing the required steps should assets be discovered. Additionally, the measure allows a personal representative to file a statement in lieu of a full accounting upon the consent of all heirs and devisees.

Oregon Laws 2019: Chapter 414

[House Bill 3007](#)

Effective Date: January 1, 2020

Probate of Small Estates

At the request of: Oregon Law Commission Probate Modernization Work Group

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Probate is a legal proceeding to settle an estate or carry out the provisions of a will. Oregon's probate code allows a simplified probate process for smaller estates. Currently, to use the small estate process, the fair market value of all assets of the estate must be no more than \$275,000, with no more than \$200,000 of that value derived from real property.

Bill Summary: House Bill 3007 modifies the process for probate of small estates.

Oregon Laws 2019: Chapter 165

[House Bill 3008](#)

Effective Date: January 1, 2020

Probate Involving Wrongful Death Claims

At the request of: Oregon Law Commission Probate Modernization Work Group

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Probate is a legal proceeding to settle an estate or carry out the provisions of a will.

Bill Summary: House Bill 3008 establishes a standardized process for probate of estates that include a wrongful death or personal injury claim. The measure requires court approval of any settlement of a wrongful death or personal injury claim by the personal representative. The measure waives certain requirements on the personal representative when the probate is opened for the sole purpose of pursuing a wrongful death claim and no other assets are discovered, such as obtaining a bond, filing accountings, filing inventories, and notifying creditors.

Oregon Laws 2019: Chapter 166

[House Bill 3047](#)

Not Enacted

Financial Responsibility for Dependency Summons

Chief Sponsors: Rep. Bonham

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Current law requires each party in a dependency case issuing a summons, or requesting the court to issue a summons, to bear the cost of service and associated costs. It provides an exception for the Department of Human Services (DHS), making the county responsible for the cost associated with a summons when DHS issues the summons or requests the court to issue the summons.

Bill Summary: House Bill 3047 would have required any party that issues summons or requests that the court issue summons, to bear the cost of the service of summons in a dependency proceeding.

[House Bill 3064](#)

Effective Date: January 1, 2020

Criminal Justice Entities

Chief Sponsors: Reps. Piluso, Williamson, Sanchez; Sens. Winters, Manning Jr.

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: The Criminal Justice Commission (CJC) allocates state and federal resources statewide for comprehensive criminal justice planning and policy development. Additionally, the CJC serves as the primary coordinating body for the acceptance, planning, and distribution of federal criminal justice funds leveraged to address the needs of the state criminal justice system.

Bill Summary: House Bill 3064 directs the CJC to determine if counties currently receiving project funding are demonstrating progress toward the goal of reducing prison usage as laid out by the Justice Reinvestment Act passed in 2013. For counties that are not meeting their goals, the CJC will either put the county on an improvement plan with specific goals or discontinue funds.

Oregon Laws 2019: Chapter 598

[House Bill 3077](#)

Effective Date: July 1, 2020

Updating School Sexual Harassment Policies

Chief Sponsors: Rep. Salinas; Sen. Gelser

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In 1997, the Legislative Assembly enacted statutes creating policies for sexual harassment reporting and investigation in Oregon's K-12 schools. Those requirements were modernized with the passage of House Bill 4150 (2018).

Bill Summary: House Bill 3077 builds on the legislature's previous work on K-12 sexual harassment reporting and investigation policy requirements by adopting a new definition of harassment, clarifying certain aspects of the reporting and investigation process, and requiring the provision of resources and support to individuals who report sexual harassment.

Oregon Laws 2019: Chapter 442

[House Bill 3117](#)

Effective Date: May 22, 2019

Obtaining Court Orders to Prohibit Contact

Chief Sponsors: Rep. Nosse; Sen. Taylor

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Current law allows a victim of abuse to apply for and receive an emergency protection order if: the petitioner has been a victim of qualifying abuse by a family or household member within the 180 days before filing the order; the petitioner is in imminent danger of further abuse; and, the respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child. If there is a contested hearing after the issuance of the emergency order, the petitioner must demonstrate the same immanency that was required on issuance. A recent decision by the Oregon Court of Appeals found that a victim who had not experienced additional abuse after moving out of the respondent's home and in with her parents, failed to demonstrate she was in imminent danger of further abuse.

Bill Summary: House Bill 3117 eliminates the imminent danger requirement when a court is considering continuing an existing protection order.

Oregon Laws 2019: Chapter 144

[House Bill 3145](#)

Not Enacted

Public Defense Reform

At the request of: Rep. Jennifer Williamson

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Under the U.S. Constitution, states have an obligation to provide effective counsel for criminal defendants. A 2018 study of Oregon’s public defense systems found the state has created an attorney compensation plan that pits appointed lawyers’ financial self-interest against the due process rights of their clients and is prohibited by national public defense standards.

Bill Summary: House Bill 3145 would have established a Task Force on Public Defense to review requirements and best practices related to the delivery and oversight of public defense services and make recommendations to the Legislative Assembly for achieving effective public defense counsel throughout Oregon.

[House Bill 3146](#)

Effective Date: January 1, 2020

Changes Term Inmate to “Adult in Custody”

At the request of: Rep. Jennifer Williamson

Committees: House Judiciary, Senate Judiciary

Background and Current Law: The Department of Corrections (DOC) averages just under 15,000 individuals in its care and custody at any point in time. Approximately 95 percent of those individuals will return to the community after incarceration, with approximately 440 individuals released each month. Over the course of the last seven years, DOC has focused its efforts on the successful reentry of individuals after incarceration. Part of that work has been to provide reformation and treatment in a normalized environment and a humane manner. Oregon policymakers and DOC officials believe that changing the term inmate to “adult in custody” will humanize those sentenced to DOC.

Bill Summary: House Bill 3146 Replaces the term "inmate" with "adult in custody" throughout the Oregon code.

Oregon Laws 2019: Chapter 213

[House Bill 3164-A](#)

Not Enacted

Holistic Defense Pilot Program

Chief Sponsors: Reps. Sanchez, Williamson; Sen. Dembrow

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: In recent years, holistic public defense has arisen as a national best practice. This practice model is based on a belief that the most effective form of criminal defense representation addresses not just the criminal case, but also the collateral consequences of criminal justice involvement, such as employment, public housing, child custody, immigration status, and any underlying issues that may have factored into the defendant's involvement in the criminal justice system. Currently, Metropolitan Public Defender Services, the largest public defender nonprofit in Oregon, hosts a small Community Law Division. The program serves past and current clients of Metropolitan Public Defender Services Criminal Division and clients of established community partners to provide holistic representation.

Bill Summary: House Bill 3164-A would have created a two-year pilot program to address the civil legal needs of Metropolitan Public Defender Services' clients including housing, family law, public benefits, financial obligations, consumer debt, and expungement.

[House Bill 3201](#)

Effective Date: June 20, 2019

Deferred Resolution of Criminal Charges

Chief Sponsors: Reps. Hernandez, Williamson, Power; Sens. Manning Jr, Dembrow

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon law currently allows for the requirement that a defendant, prior to entering a diversion agreement, plead guilty to or stipulate to certain facts establishing guilt to a criminal charge. A diversion agreement carries the understanding that if the defendant fulfills the obligations of the program described therein, the criminal charges will be dismissed with prejudice. Upon violation of a term or condition of the agreement, the court may enter an adjudication of guilt and a conviction may be entered.

Bill Summary: House Bill 3201 prohibits agreements for certain diversions from containing requirements that the defendant admit guilt or facts that establish the defendant's guilt. The measure instead provides that a defendant will agree to waive certain trial rights that would otherwise be available upon termination of a diversion agreement.

Oregon Laws 2019: Chapter 445

[House Bill 3216](#)

Effective Date: January 1, 2020

Summoning a Police Officer

Chief Sponsors: Rep. Bynum; Sens. Manning Jr, Frederick

Committees: House Judiciary, Senate Judiciary

Background and Current Law: A person commits the crime of initiating a false report if the person knowingly initiates a false alarm or report that is transmitted to a law enforcement or emergency agency. The crime of initiating a false report does not encompass elements relating to the impact on an individual contacted by law enforcement because of a person initiating a false report.

Bill Summary: House Bill 3216 establishes the right to seek a civil remedy against a person who purposefully causes an individual to be contacted by law enforcement if it is proven that the intent was to unfairly and negatively impact the individual being contacted.

Oregon Laws 2019: Chapter 415

[House Bill 3224](#)

Effective Date: January 1, 2020

District Attorney Policies

Chief Sponsors: Reps. Piluso, Williamson

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Currently, there is no requirement that district attorneys (DAs) establish, maintain, or make public any formal or informal policies within their offices relating to prosecutorial decision-making. There is wide variation from county to county relating to charging policies or procedures and their availability to the public.

Bill Summary: House Bill 3224 requires all DAs to develop and maintain written policies about the core functions of their office and it requires that those policies be posted on the DA's website.

Oregon Laws 2019: Chapter 446

[House Bill 3249](#)

Effective Date: January 1, 2020

Communications with Legal Clients

Chief Sponsors: Reps. Williamson, McLane

Committees: House Judiciary, Senate Judiciary

Background and Current Law: All visitor logs of corrections facilities are currently subject to inspection under public records law. A representative of an inmate's lawyer, under ORS 40.225, means one employed to assist the lawyer in the rendition of professional legal services. The statute protects a client's privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client between the client's lawyer or a representative of the lawyer.

Bill Summary: House Bill 3249 extends this privilege to specifically include visitations between an adult in custody and their lawyer or a lawyer's representative while in custody at a correctional facility.

Oregon Laws 2019: Chapter 169

[House Bill 3261](#)

Effective Date: January 1, 2020

Juvenile Custodial Interrogation Recording

Chief Sponsors: Reps. Gorsek, Piluso

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In 2017, The Legislative Assembly enacted House Bill 3242, which required police officers to record custodial interviews of youth under 18 years of age in law enforcement facilities in connection with investigations into acts that would constitute a felony if committed by an adult.

Bill Summary: House Bill 3261 requires a peace officer equipped with a body camera to record custodial interviews with youth under 18 years of age in the course of investigating acts that would constitute felony and misdemeanor crimes if committed by an adult, regardless of where the interview occurs.

Oregon Laws 2019: Chapter 216

[House Bill 3289](#)

Effective Date: September 29, 2019

Study of Jail Conditions

At the request of: Rep. Jeff Barker

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Recent news reports have found Oregon jails (called local correctional facilities) to be under-resourced and failing to provide the medical and mental health care their populations require. Additionally, there is no consistent data on jail practices, populations, or the health care services they provide. These reports correlate the under-funding of jails to an increase in inmate deaths, the most common cause being suicide.

Bill Summary: House Bill 3289 directs the Criminal Justice Commission (CJC) to study policies, procedures, and data collection practices for local correctional facilities. It requires the CJC to study the manner, means, costs, and barriers to providing health care at local and regional correctional facilities across Oregon. It also repeals statutes which require sheriffs to receive and keep federal prisoners.

Oregon Laws 2019: Chapter 147

[House Bill 3293](#)

Effective Date: June 20, 2019

Civil Action for Sexual Assault

At the request of: Rep. Jeff Barker

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Under Oregon law, if a person under the age of 18 is abused, including sexually assaulted, the statute of limitations for a civil action does not run until either the person reaches 40 years of age or within five years of the person discovering the causal connection between the abuse and the injury. Like other actions for injury to a person, adults who have been sexually assaulted must bring an action within two years.

Bill Summary: House Bill 3293 extends the statute of limitations for actions on adult sexual assault to five years from the date the person discovers, or reasonably should have discovered through the exercise of reasonable care, the causal relationship between the assault and an injury.

Oregon Laws 2019: Chapter 448

[House Bill 3300-A](#)

Not Enacted

Gender-Responsive Correctional Programming

At the request of: Rep. Jeff Barker

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: At the 2019 Criminal Justice Commission (CJC) Justice Reinvestment Summit, national experts presented on the importance of providing trauma-informed and gender-responsive systems and programming for incarcerated women as a means to reducing recidivism. Since the early 2000s, the YWCA of Greater Portland has hosted a program for incarcerated women at Coffee Creek Correctional Facility called the Family Preservation Project (FPP) which provides targeted support to incarcerated mothers. Research conducted in 2014 found that participants in the FPP were more likely to be parenting post-incarcerated and that their children had better outcomes than mothers and families who did not participate in the FPP.

Bill Summary: House Bill 3300-A would have directed the Department of Corrections, in collaboration with CJC, to create a pilot program establishing the Center for Incarcerated Parents and Their Children at the Coffee Creek Correctional Facility.

[House Bill 3335](#)

Not Enacted

Interference with Public Transit

Chief Sponsors: Rep. Hernandez

Committees: House Judiciary

Background and Current Law: Under ORS 166.116, the crime of interfering with public transportation is entering or remaining unlawfully on a public transit vehicle or in a public transit station. This is a Class C misdemeanor. The act becomes a Class A misdemeanor if the person enters or remains unlawfully and has had three or more previous convictions for entering or remaining unlawfully.

Bill Summary: House Bill 3335 would have eliminated from the definition of the crime of interfering with public transportation the act of intentionally or knowingly entering or remaining unlawfully in or on a public transit vehicle or public transit station.

[House Bill 3336](#)

Not Enacted

Giving False Information

Chief Sponsors: Rep. Hernandez

Committees: House Judiciary

Background and Current Law: Under ORS 162.385 it is a crime to give a false or fictitious name to a police officer in connection with a warrant or citation. Additionally, under ORS 807.620, it is a crime to give a false or fictitious name to a police officer who is enforcing a motor vehicle law. A violation of either statute is a Class A misdemeanor.

Bill Summary: House Bill 3336 would have provided that it is not a violation of either ORS 162.385 or 807.620 for a person to give a preferred name to a police officer instead of providing his or her legal name. A preferred name was defined as one that the person regularly uses: 1) for the purpose of gender expression; 2) to avoid risks to personal safety; 3) for professional or official purposes; or 4) as a nickname or Anglicized form of the name on the person's government-issued identification documents.

[House Bill 3337](#)

Not Enacted

Mass Transit Fair Checks

Chief Sponsors: Reps. Hernandez, Bynum

Committees: House Judiciary

Background and Current Law: Under ORS 267.320, Mass Transit Districts can assess charges and fees on individuals who use the services provided by the districts. In addition, Mass Transit Districts can commission police officers for the enforcement of district ordinances, including those related to the collection of fees. Mass Transit Districts in Oregon include TriMet, Salem Area Mass Transit District (Cherriots), and Lane Transit District (LTD).

Bill Summary: House Bill 3337 would have prohibited police officers from conducting or participating in any efforts to determine whether an individual has paid a charge, fee, or toll imposed by a mass transit district.

[House Bill 3338](#)

Not Enacted

Public University Police Officers

Chief Sponsors: Rep. Hernandez

Committees: House Judiciary

Background and Current Law: The State Board of Higher Education may, at the request of a public institution under its control, authorize the institution to establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state. The University of Oregon, Oregon Health and Science University, and Portland State University have armed police departments.

Bill Summary: House Bill 3338 would have limited the authority of campus police officers from carrying firearms outside of designated areas.

[House Bill 3360](#)

Not Enacted

Court Facilities Improvement Funding

Chief Sponsors: Reps. DB Smith, Wallan

At the request of: Rep. Barker

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: The Oregon Courthouse Capitol Construction and Improvement Fund was established in 2013 to provide bond funding for courthouses that have significant structural defects that present threats to human health and safety. The State Treasurer may issue up to \$15 million in Article XI-Q bonds for these projects. These funds may only be used for courthouses with significant structural defects, replacement of courthouses when new construction is more cost-effective than repairing the courthouse, or if the courthouse is co-located with other state offices.

Bill Summary: House Bill 3360 would have allowed the use of such funds for remodeling, renovation, or expansion of courthouse facilities if the Chief Justice determines that issuing bonds for such repairs is necessary or desirable.

[House Bill 3388](#)

Not Enacted

Judicial Salaries

Chief Sponsors: Reps. Gorsek, McLane, Helt, Noble, Power, Williamson; Sens. Prozanski, Girod, Knopp, Roblan

At the request of: Chief Justice Martha L. Walters, Oregon Circuit Court Judges Association

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: According to the National Center for State Courts (NCSC), as of July 1, 2018, Oregon ranks near the bottom of the 50 states for judicial salaries at all levels of courts. In particular, Oregon is ranked 46th of 51 jurisdictions for compensation of judges in courts of general jurisdiction. For Supreme Court justices, Oregon ranks 38th nationally.

Bill Summary: House Bill 3388 would have amended the process for determining judicial salaries and requires an adjustment every two years to make judicial salaries a percentage of the salary of U.S. District Court judicial salaries.

[House Bill 3415](#)

Effective Date: January 1, 2020

Higher Education Sexual Harassment Policies and Training

Chief Sponsors: Rep. Williamson

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Senate Bill 795 (2017) requires universities to provide student victims of sexual harassment and assault with written notification about their rights and options to empower survivors to make the choices best for them. The U.S. Department of Education recently published a notice of proposed rulemaking that would require universities to change some of their current policies and practices when responding to allegations of sexual harassment and assault. Specifically, the proposed rules would narrow the definition of harassment, limit jurisdiction, and omit constructive notice as a trigger for investigation.

Bill Summary: House Bill 3415 requires institutions of higher education to both adopt written policies and require certain individuals to participate in annual training on sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Oregon Laws 2019: Chapter 451

[House Joint Resolution 10](#)

Not Adopted

Unanimous Jury Verdicts in Criminal Trials

Chief Sponsors: Rep. Williamson; Sens. Manning Jr, Prozanski

Committees: House Judiciary, House Rules

Background and Current Law: The Oregon Constitution provides that in all felony criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed and ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict of twelve jurors.

Bill Summary: House Joint Resolution 10 would have allowed verdicts in criminal trials by unanimous vote only.