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Senate Democrats support protections for vulnerable road users

SB 1553 also shields death scene investigation images from public release

SALEM – Oregon Senate Democrats passed legislation to improve safety for vulnerable roadway users and protect privacy for crime victims and their families.

Senate Bill 1553 – which passed by an 18-10 vote on the Senate floor on Friday – creates a new category of criminally negligent third-degree assault for cases in which a vulnerable road user of a public roadway suffers serious physical injury caused by a motor vehicle. Separately, the bill also prohibits public disclosure of death scene investigation images when release of these images would present an unreasonable invasion of privacy for the victim or their family.

“This law helps provide stiffer penalties for motorists whose criminal negligence results in serious injury to construction workers, pedestrians and other roadway users,” said Sen. Floyd Prozanski (D-Eugene), who carried the bill. “It also provides privacy in respect of victims’ families when death scene images of victims may currently be made public. This will have an impact statewide, but is particularly necessary due to the tragedy last year at Umpqua Community College. The families of victims in that case, and many others, should be protected from seeing those images being made public. This bill does that.”

Under the new assault three provisions created by the bill, in a very select number of cases prosecutors could seek charges when vulnerable road users — like pedestrians, cyclists, farm workers operating tractors, construction workers and law enforcement officers — suffer grave physical injuries due to the proven criminal negligence of a driver. The ability to pursue charges under these provisions provides an avenue to make restitution available to a victim.

Under the new public records exemption outlined in the bill, images related to a person's death that are part of a law enforcement investigation could be shielded, if their release would constitute an unreasonable invasion of privacy to the deceased person's family. In these cases, images could be released, but only if the party seeking disclosure can establish in court by clear and convincing evidence that releasing these images wouldn't cause an unreasonable invasion of privacy.

In addition to more substantive policy items, omnibus bills often make minor changes, fixes and clarifications to statute. A third, small provision of the bill clarifies the list of crimes eligible for expungement or "set aside," making clear that any misdemeanor, Class C felony or felony punishable as a misdemeanor is eligible to be set aside.

SB 1553 now goes to the House of Representatives for consideration.

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