



## 2019 Issue Summaries

### Seeking Access to Justice and Equal Rights for All – Criminal Justice

Oregon House Democrats are fighting to ensure that every Oregonian is afforded the same fundamental rights, regardless of their race, religion, gender expression, age, or sexual orientation. We are committed to making sure our justice system is fair for all.

#### **Building a Criminal Justice System that is Fair for All**

##### **Passed Into Law**

###### Youth Justice Reform

SB 1008 makes several critical changes to the sentencing of children in the criminal justice system, including:

- Eliminates automatic waiver of children into the adult criminal justice system.
- Makes all children eligible for a “second look” hearing halfway through their sentence to determine whether they can safely finish out their sentences in the community.
- Creates “transfer hearings” for children who are being transferred to the adult prison system with fewer than two years remaining on their sentences, to determine whether they can safely finish out their sentences in the community.
- Prohibits sentencing a child to life imprisonment without the possibility of parole.

###### Marijuana Expungement

SB 420 and SB 975 create expedited processes by which people with pre-legalization marijuana convictions can have their records expunged or have higher-level convictions reduced to their current level.

###### Firearm Removal for Stalkers and Domestic Abusers

HB 2013 closes the “restraining order loophole” in current firearm prohibition statute and creates protocols by which the courts and law enforcement can ensure that people who have domestic violence convictions or stalking or restraining orders do not in fact possess firearms.

###### Revenge Porn

HB 2393 allows prosecution for revenge porn even when the image in question is disseminated in a manner other than an internet website.

###### District Attorney Transparency

HB 3224 requires district attorneys to develop, adopt, and make public policies relating to discovery, charging decisions, sentencing, and other specified subjects.

###### Civil Statute of Limitations Extension for Sexual Assault

HB 3293 extends the statute of limitations for a civil lawsuit over an incident of sexual assault from two years to five years.

###### Prohibiting Canine Cell Extraction

SB 495 prohibits the use of dogs to extract people from their cells in correctional facilities.

#### Inmate Access to Affordable Phone Services

SB 498 prohibits the Department of Corrections from entering into a contract for telephone services that authorizes the Department to receive a commission for inmates' phone calls.

#### Expanding Access to Sexual Assault Protective Orders

SB 995 makes a number of changes to make Sexual Assault Protective Orders (SAPO) more accessible and effective, including eliminating the requirement that an order be sought within 180 days of the abuse, creating alternate methods of serving a SAPO, and allowing a permanent order to be entered under certain conditions.

#### Kaylee's Law

SB 576 requires that private security providers employed by colleges and universities conduct criminal records checks and psychological screenings before hiring employees, properly equip and identify as non-police their vehicles and uniforms, and notify law enforcement promptly after making an arrest.

#### Juvenile Detention Facility Oversight

SB 15 allows the Youth Development Division to collect data and inspect facilities in which children are incarcerated in order to perform its oversight duties.

#### Translator Hearsay

HB 2480 makes changes to Oregon's hearsay rules to make it easier for non-English-speakers to have their testimony introduced in court.

#### Missing and Murdered Native Women

HB 2625 requires the Department of State Police to study and improve law enforcement response to cases of missing and murdered Native American women in Oregon.

#### Access to Restraining Orders

HB 3117 removes the requirement find imminent danger of further abuse in order to renew a Family Abuse Prevention Act restraining order.

#### Jail Transparency

HB 3289 requires the Criminal Justice Commission to collect and study data relating to health care, deaths in custody, and policies and practices for protecting the rights of prisoners from local and regional correctional facilities, and present their findings to the Legislative Assembly.

#### DNA Testing

SB 321 expands access to post-conviction DNA testing by creating a new petition process and eliminating barriers to filing petitions and receiving evidence.

#### Psychological Screenings for Law Enforcement

SB 423 requires law enforcement agencies to complete a psychological screening of a prospective officer before offering them employment.

#### Mental Health Services for Law Enforcement

SB 424 requires law enforcement agencies to establish mental health wellness policies for their law enforcement officers.

### Safe Harbor for Sex Workers Reporting Crimes

SB 596 protects sex workers from prosecution if the evidence against them was obtained in the course of their reporting a violent felony.

### Pseudonyms for Crime Victims

SB 597 allows a victim of a sex crime to be identified by a pseudonym or initials in an indictment, rather than by name.

### Eliminating Fees for Stalking Orders

SB 708 exempts petitioners for stalking protective orders from the requirement to pay a fee if their petition is unsuccessful, as long as the proceeding was not initiated with malicious intent.

### Closing the Car Theft Loophole

HB 2328 fixes a loophole that made it more difficult to prosecute car theft.

## **Funded**

### Boosted Funding for Public Defense in Oregon

The legislature passed an additional \$20 million in funding for the Office of Public Defense Services, to be used to stabilize case loads and begin to ensure a constitutional level of defense.

### Increase in Oregon State Police Staffing

The OSP budget funded an additional 40 state troopers, including 10 for fish and game enforcement.

## **Progress Made, Did Not Pass Into Law**

### Eliminating the Non-Economic Damages Cap for Victims

HB 2014 removes the \$500,000 non-economic damages cap in civil lawsuits arising out of bodily injury.  
*(Passed the House; died in the Senate)*