

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	5/21, 5/30

WHAT THE MEASURE DOES: Revises Juvenile Code to add references consistent with constitutional rights of crime victims and to articulate specific victim rights in various stages of juvenile proceedings. Defines “critical stage of the proceedings,” “victim” and “violent felony.”

ISSUES DISCUSSED:

- Reconciling statutes and constitution

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Constitution (Article I, §§ 42-43) articulates the rights of crime victims during all stages of criminal prosecutions, both adult and juvenile. Such rights generally include: (1) to be present at and timely notified of critical events, (2) to obtain various information about a defendant’s status, (3) to refuse to speak with or provide certain information to a defendant’s agents, (4) to prompt restitution, (5) to transcripts of proceedings, (6) to be consulted about plea negotiations involving violent felonies, (7) to be reasonably protected from the defendant during the prosecution, and (8) to have pretrial release decisions based in part on the reasonable protection of the victim.

HB 2127 A revises the juvenile code to be consistent with these constitutional rights and, in some cases, provides additional clarification. The more substantive clarifications include: (1) absent good cause, a victim need not reveal the victim’s address or telephone number to the defendant, (2) if a defendant’s agent contacts the victim, the agent must reveal the agent’s identity, that the victim need not speak with the agent and that the victim may have an agent of the state present, (3) any preadjudication release of a juvenile defendant must include “a no contact with the victim” order, (4) the victim must be consulted regarding a juvenile defendant’s entry into diversion programs, and (5) a court may not release a juvenile awaiting adjudication if the charge involves a “violent felony” or if the juvenile poses a danger of “serious physical injury” or “sexual victimization” to the victim or the public.