

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	3/11, 3/17

WHAT THE MEASURE DOES: Allows for convictions under another jurisdiction's statutory counterpart to be entered into evidence in certain criminal proceedings.

ISSUES DISCUSSED:

- Breadth of harassment statute
- Judicial interpretation of "statutory counterpart"
- Current practice

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Prior convictions of a witness testifying in a criminal proceeding generally may only be introduced into evidence if they are felony convictions occurring within the last 15 years or misdemeanors involving a crime of dishonesty (such as Theft in the second degree). These convictions may be entered into evidence for the purpose of attacking the witness' credibility. ORS 40.355 provides that in criminal proceedings involving a charge of aggravated murder, murder or manslaughter in the first or second degree, certain additional convictions under Oregon law may be admitted into evidence. The additional crimes are all misdemeanors: Assault in the fourth degree, menacing, harassment, attempted assault in the fourth degree and strangulation.

This measure would amend ORS 40.355 to make a conviction in another jurisdiction for a "statutory counterpart" admissible. In other words, if Washington's statute for assault in the fourth degree was found to be a statutory counterpart to ORS 163.160, then a witness' Washington conviction for assault in the fourth degree could be introduced at trial to impeach the witness' credibility.