

House Bill 2322

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Criminal Defense Lawyers Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Task Force on Eyewitness Identification to study collection and handling of eyewitness identification evidence in criminal investigations.

Sunsets task force on date of convening of next regular biennial legislative session.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to eyewitness identification; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) There is created the Task Force on Eyewitness Identification that consists of seven members as follows:

(a) The Attorney General or a designee;

(b) The Director of the Department of Public Safety Standards and Training or a designee; and

(c) Five members appointed by the Attorney General as follows:

(A) One district attorney;

(B) One criminal defense attorney;

(C) One representative from the Department of State Police;

(D) One representative from a local law enforcement agency; and

(E) One psychologist who is an expert in the psychology of eyewitness identification.

(2) The purpose of the task force is to study and develop guidelines for policies, procedures and training relating to the collection and handling of eyewitness evidence in criminal investigations by law enforcement and other persons involved in the criminal justice system.

(3) The task force shall study and determine the best statewide practices and procedures for law enforcement use of eyewitness identification, including but not limited to how eyewitness identifications are collected, how victims of crime and witnesses to crime are interviewed and how law enforcement techniques for eyewitness identification should be administered.

(4) A majority of the members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The task force shall meet at times and places specified by the call of the chairperson

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 or of a majority of the members of the task force.

2 (9) The task force may adopt rules necessary for the operation of the task force.

3 (10) The task force shall submit a report on its study, and may include recommendations
4 for legislation, to the Governor, the Chief Justice of the Supreme Court and an interim
5 committee related to the judiciary no later than October 1, 2010.

6 (11) The Department of Justice shall provide staff support to the task force.

7 (12) All appointments to the task force made under subsection (1) of this section must
8 be completed by the later of 60 days after adjournment sine die of the regular session of the
9 Seventy-fifth Legislative Assembly or September 1, 2009.

10 (13) Members of the task force are not entitled to compensation, but may be reimbursed
11 for actual and necessary travel and other expenses incurred by them in the performance of
12 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-
13 penses shall be paid out of funds appropriated to the Department of Justice for that purpose.

14 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist
15 the task force in the performance of its duties and, to the extent permitted by laws relating
16 to confidentiality, to furnish such information and advice as the members of the task force
17 consider necessary to perform their duties.

18 **SECTION 2.** Section 1 of this 2009 Act is repealed on the date of the convening of the next
19 regular biennial legislative session.

20 **SECTION 3.** This 2009 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
22 on its passage.