

A-Engrossed
House Bill 2352

Ordered by the House May 19
Including House Amendments dated May 19

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

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.

Requires preparation of racial and ethnic impact statement when legislation or state measure may affect racial composition of criminal offender population and when State Board of Parole and Post-Prison Supervision considers rules pertaining to parole or post-prison supervision. **Requires statement to describe effect legislation or rule may have on victims of crime who are members of racial and ethnic groups.**

Requires inclusion of statement in voters' pamphlet and on ballot.

A BILL FOR AN ACT

1
2 Relating to composition of criminal offender population; creating new provisions; and amending ORS
3 137.656 and 251.185.

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

5 **SECTION 1. (1) A racial and ethnic impact statement must be prepared for any legis-**
6 **lation that may, if enacted, affect the racial and ethnic composition of the criminal offender**
7 **population. The statement must include a description of the effect the legislation may have**
8 **on victims of crime who are members of racial and ethnic groups for which data are avail-**
9 **able.**

10 **(2) Before a legislative committee hearing on legislation that may, if enacted, affect the**
11 **racial and ethnic composition of the criminal offender population, the committee shall submit**
12 **a written request to the Oregon Criminal Justice Commission to prepare and submit to the**
13 **committee a racial and ethnic impact statement described in ORS 137.656.**

14 **(3) As used in this section, "criminal offender population" means all persons who are**
15 **convicted of a crime or adjudicated for an act that, if committed by a person 18 years of age**
16 **or older, would constitute a crime.**

17 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of ORS chapter 250.**

18 **SECTION 3. (1) If a state measure may affect the racial and ethnic composition of the**
19 **criminal offender population, the Oregon Criminal Justice Commission shall prepare a racial**
20 **and ethnic impact statement described in ORS 137.656. The statement shall be printed in the**
21 **voters' pamphlet and on the ballot. The statement shall be impartial, simple and under-**
22 **standable.**

23 **(2) If the Oregon Criminal Justice Commission has prepared a racial and ethnic impact**
24 **statement for a state measure, not later than the 99th day before a special election held on**
25 **the date of a primary election or any general election at which the state measure is to be**

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 submitted to the people, the commission shall file the statement with the Secretary of State.
2 The commission may begin preparation of the statement on the date that the petition is ac-
3 cepted for verification of signatures under ORS 250.105 or the date that a measure referred
4 by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

5 (3) Not later than the 95th day before the election, the Secretary of State shall hold a
6 hearing in Salem upon reasonable statewide notice to receive suggested changes to the
7 statement or to receive other information. At the hearing any person may submit suggested
8 changes or other information orally or in writing. Written suggestions and any other in-
9 formation also may be submitted at any time before the hearing.

10 (4) The Oregon Criminal Justice Commission shall consider suggestions and any other
11 information submitted under subsection (3) of this section, and may file a revised statement
12 with the Secretary of State not later than the 90th day before the election. The Secretary
13 of State shall certify a final statement not later than the 90th day before the election at
14 which the measure is to be voted upon. All statements prepared under this section shall be
15 made available to the public.

16 (5) A failure to prepare, file or certify a statement does not prevent inclusion of the
17 measure in the voters' pamphlet or placement of the measure on the ballot.

18 (6) If the statement is not delivered to the county clerk by the 61st day before the
19 election, the county clerk may proceed with the printing of ballots. The county clerk is not
20 required to reprint ballots to include the statement or to provide supplemental information
21 that includes the statement.

22 (7)(a) Any person alleging that the statement was prepared, filed or certified in violation
23 of the procedures described in this section may petition the Supreme Court seeking that the
24 required procedures be followed and stating the reasons the statement does not satisfy the
25 required procedures. A petition is not allowed concerning the contents of the statement or
26 whether a statement should be prepared.

27 (b) If the petition is filed not later than the 85th day before the election at which the
28 measure is to be voted upon, the court shall review the procedures under which the state-
29 ment was prepared, filed and certified, hear arguments and determine whether the proce-
30 dures described in this section were satisfied. The review by the Supreme Court shall be
31 conducted expeditiously to ensure the orderly and timely conduct of the election at which the
32 measure is to be submitted to the electors.

33 (c) If the court determines that the procedures described in this section were not satis-
34 fied, the court shall order that a second statement be prepared, filed and certified as pro-
35 vided in this section except:

36 (A) The Oregon Criminal Justice Commission shall prepare and file with the Secretary
37 of State a statement not later than two days following the decision of the court;

38 (B) A hearing shall be held within two days after the statement is filed; and

39 (C) A statement shall be certified not later than seven days after the decision of the
40 court. The procedures under which the second statement is filed and certified may not be
41 appealed.

42 (8) As used in this section, "criminal offender population" means all persons who are
43 convicted of a crime or adjudicated for an act that, if committed by a person 18 years of age
44 or older, would constitute a crime.

45 **SECTION 4.** In establishing rules applicable to parole or post-prison supervision, the

1 **State Board of Parole and Post-Prison Supervision shall, consistent with the process de-**
2 **scribed in ORS 137.656 (5), prepare and consider a racial and ethnic impact statement de-**
3 **scribing the effect of the rules on:**

4 **(1) The racial and ethnic composition of persons on parole or post-prison supervision; and**

5 **(2) Victims of crime who are members of racial and ethnic groups for which data are**
6 **available.**

7 **SECTION 5.** ORS 137.656 is amended to read:

8 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
9 tiveness and efficiency of state and local criminal justice systems by providing a centralized and
10 impartial forum for statewide policy development and planning.

11 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy
12 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses
13 public safety, offender accountability, crime reduction and prevention and offender treatment and
14 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

15 (a) Capacity, utilization and type of state and local prison and jail facilities;

16 (b) Implementation of community corrections programs;

17 (c) Alternatives to the use of prison and jail facilities;

18 (d) Appropriate use of existing facilities and programs;

19 (e) Whether additional or different facilities and programs are necessary;

20 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices
21 and sanctions in reducing future criminal conduct by juvenile and adult offenders;

22 (g) Methods of reducing the risk of future criminal conduct; and

23 (h) The effective utilization of local public safety coordinating councils.

24 (3) Other duties of the commission are:

25 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
26 any matter within the jurisdiction of the commission.

27 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
28 and serve as a clearinghouse and information center for the collection, preparation, analysis and
29 dissemination of information on state and local sentencing practices.

30 (c) To provide technical assistance and support to local public safety coordinating councils.

31 (d) To receive grant applications to start or expand drug court programs as defined in ORS
32 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

33 (4) The commission shall establish by rule the information that must be submitted under ORS
34 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
35 must be approved by the Chief Justice of the Supreme Court before it takes effect.

36 **(5)(a) The commission shall develop a standardized protocol for the preparation of racial**
37 **and ethnic impact statements.**

38 **(b) A racial and ethnic impact statement shall include the following:**

39 **(A) An estimate of how proposed legislation would change the racial or ethnic profile of**
40 **the state's criminal offender population for racial and ethnic groups for which data are**
41 **available.**

42 **(B) An estimate of the effect the proposed legislation will have in preventing crime**
43 **against members of racial and ethnic groups for which data are available.**

44 **(C) A statement of the methodologies and assumptions used in preparing the estimates.**

45 **(c) The commission shall prepare and submit a racial and ethnic impact statement:**

1 **(A) To a legislative committee, prior to the hearing on the legislation, upon receipt of a**
2 **committee’s request for a statement; and**

3 **(B) In accordance with section 3 of this 2009 Act.**

4 **(d) As used in this subsection, “criminal offender population” means all persons who are**
5 **convicted of a crime or adjudicated for an act that, if committed by a person 18 years of age**
6 **or older, would constitute a crime.**

7 **SECTION 6.** ORS 251.185 is amended to read:

8 251.185. (1) The Secretary of State shall have printed in the voters’ pamphlet for a general
9 election or any special election a copy of the title and text of each state measure to be submitted
10 to the people at the election for which the pamphlet was prepared. Each measure shall be printed
11 in the pamphlet with:

12 (a) The number and ballot title of the measure;

13 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

14 **(c) The racial and ethnic impact statement described in ORS 137.656, if one is prepared;**

15 [(c)] **(d)** The explanatory statement prepared for the measure; and

16 [(d)] **(e)** Arguments relating to the measure and filed with the Secretary of State.

17 (2) A county measure or measure of a metropolitan service district organized under ORS chapter
18 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the
19 county or metropolitan service district under ORS 251.285 shall be included in the voters’ pamphlet
20 described in subsection (1) of this section if required under ORS 251.067.

21 **SECTION 7.** (1) **Section 1 of this 2009 Act applies to legislative hearings conducted on or**
22 **after the effective date of this 2009 Act.**

23 **(2) Section 3 of this 2009 Act and the amendments to ORS 251.185 by section 6 of this 2009**
24 **Act apply to elections held after the first Tuesday after the first Monday in November 2010.**

25 **(3) Section 4 of this 2009 Act applies to rules adopted on or after the effective date of this**
26 **2009 Act.**

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