

House Bill 2352

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 **as introduced**.

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 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.

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.**

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

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

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

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

21 **(2) If the Oregon Criminal Justice Commission has prepared a racial and ethnic impact**
22 **statement for a state measure, not later than the 99th day before a special election held on**
23 **the date of a primary election or any general election at which the state measure is to be**
24 **submitted to the people, the commission shall file the statement with the Secretary of State.**
25 **The commission may begin preparation of the statement on the date that the petition is ac-**
26 **cepted for verification of signatures under ORS 250.105 or the date that a measure referred**
27 **by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.**

28 **(3) Not later than the 95th day before the election, the Secretary of State shall hold a**
29 **hearing in Salem upon reasonable statewide notice to receive suggested changes to the**
30 **statement or to receive other information. At the hearing any person may submit suggested**

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 changes or other information orally or in writing. Written suggestions and any other in-
 2 formation also may be submitted at any time before the hearing.

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

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

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

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

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

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

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

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

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

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

38 **SECTION 4.** In establishing rules applicable to parole or post-prison supervision, the
 39 State Board of Parole and Post-Prison Supervision shall, consistent with the process de-
 40 scribed in ORS 137.656 (5), prepare and consider a racial and ethnic impact statement de-
 41 scribing the effect of the rules on the racial and ethnic composition of persons on parole or
 42 post-prison supervision.

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

44 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
 45 tiveness and efficiency of state and local criminal justice systems by providing a centralized and

1 impartial forum for statewide policy development and planning.

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

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

7 (b) Implementation of community corrections programs;

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

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

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

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

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

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

15 (3) Other duties of the commission are:

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

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

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

22 (d) To receive grant applications to start or expand drug court programs as defined in ORS
 23 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

24 (4) The commission shall establish by rule the information that must be submitted under ORS
 25 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
 26 must be approved by the Chief Justice of the Supreme Court before it takes effect.

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

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

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

33 **(B) A statement of the methodologies and assumptions used in preparing the estimate.**

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

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

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

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

41 **SECTION 6. (1) Section 1 of this 2009 Act applies to legislative hearings conducted on or
 42 after the effective date of this 2009 Act.**

43 **(2) Section 3 of this 2009 Act applies to elections held after the first Tuesday after the
 44 first Monday in November 2010.**

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

1 **2009 Act.**

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