

Enrolled Senate Bill 212

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

CHAPTER

AN ACT

Relating to administration of Criminal Fine and Assessment Account funding for victims' assistance programs; amending ORS 147.227; and declaring an emergency.

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

SECTION 1. ORS 147.227 is amended to read:

147.227. (1) The Attorney General *[or the Attorney General's designee]* shall disburse a portion of the moneys that the Criminal Injuries Compensation Account receives from the Criminal Fine and Assessment Account to counties and cities where prosecuting attorneys maintain *[comprehensive]* victims' assistance programs approved by the Attorney General *[or the Attorney General's designee]*. **Upon receipt of the moneys, the** *[those]* counties and cities shall provide the moneys to the prosecuting attorney therein to be used exclusively for the *[comprehensive]* **approved** victims' assistance program. *[Pursuant to consultation with a three member advisory committee, which the Attorney General shall establish administratively, and which shall consist of a representative from the Attorney General's Office, the Oregon District Attorneys Association and a prosecutor's victim assistance program, the Attorney General shall adopt rules for equitable distribution of these moneys among participating counties and cities.]*

[(2) To qualify for approval under this section, a comprehensive victims' assistance program may not restrict services only to victims or witnesses of a particular type of crime, but shall provide services to victims and witnesses generally. The program must also, in the determination of the Attorney General or the Attorney General's designee, substantially accomplish the following:]

[(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property, including, but not limited to:]

[(A) Informing victims and witnesses of their case status and progress;]

[(B) Performing advocate duties for victims within the criminal justice system;]

[(C) Assisting victims in recovering property damaged or stolen and in obtaining restitution or compensation for medical and other expenses incurred as a result of the criminal act;]

[(D) Preparing victims for pending court hearings by informing them of procedures involved;]

[(E) Accompanying victims to court hearings;]

[(F) Involving victims, when possible, in the decision-making process in the criminal justice system;]

[(G) Assisting victims in obtaining the return of property held as evidence;]

[(H) Assisting victims with personal logistical problems related to court appearances; and]

[(I) Developing community resources to assist victims of crime;]

[(b) Be administered by the district attorney of the county or city attorney of the city;]

[(c) Assist victims of crimes in the preparation and presentation of claims against the Criminal Injuries Compensation Account; and]

[(d) Generally encourage and facilitate testimony by victims of and witnesses to criminal conduct.]

[(3) If a proposed victims' assistance program, although not substantially comprising all elements described in subsection (2) of this section, nevertheless comprises a significant portion thereof and if, in the determination of the Attorney General or the Attorney General's designee thereof, it would not be practicable at the current time for the district attorney or city attorney to establish a more comprehensive program, the Attorney General or the Attorney General's designee thereof may qualify the program under this section on a temporary basis and subject to such conditions as the Attorney General or the designee shall impose upon the program.]

(2) To qualify for approval by the Attorney General under this section, a victims' assistance program must:

(a) Be administered by the district attorney of the county or city attorney of the city;

(b) Provide services to victims of all crimes;

(c) Give service priority to victims of serious crimes against persons;

(d) Collaborate with community-based and government agencies to benefit victims; and

(e) Provide the following core services to victims of crime:

(A) Inform victims, as soon as practicable, of the rights granted to victims under Oregon law.

(B) Advocate for victims of serious person crimes as they move through the criminal justice system and advocate, when requested, for all other victims of crime.

(C) Involve victims, when practicable or legally required, in the decision-making process in the criminal justice system.

(D) Ensure that victims are informed, upon request, of the status of the criminal case involving the victim.

(E) Assist victims in preparing and submitting crime victims' compensation program claims to the Department of Justice under ORS 147.005 to 147.367.

(F) Assist victims in preparing restitution documentation for purposes of obtaining a restitution order.

(G) Prepare victims for court hearings by informing them of the procedures involved.

(H) Assist victims with the logistics related to court appearances when practicable and requested.

(I) Accompany victims to court hearings when practicable and requested.

(J) Encourage and facilitate victims' testimony.

(K) Inform victims of the processes necessary to request the return of property held as evidence.

(3) If a victims' assistance program substantially complies with subsection (2) of this section and the Attorney General determines that it would be impracticable for the program to achieve full compliance, the Attorney General may approve the program on a temporary basis, subject to conditions the Attorney General deems appropriate.

(4) The Attorney General shall adopt administrative rules:

(a) Establishing criteria for the equitable distribution of moneys disbursed under subsection (1) of this section among participating cities and counties; and

(b) Establishing an advisory committee to provide consultation on the distribution of the moneys. The advisory committee shall consist of at least the following members:

(A) A representative of the Department of Justice;

(B) A representative of the Oregon District Attorneys Association; and

(C) A representative of a prosecuting attorney's victim assistance program.

(5) As used in this section, "Attorney General" includes a designee of the Attorney General.

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate February 16, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House May 13, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State