

Enrolled Senate Bill 248

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CHAPTER

AN ACT

Relating to juvenile proceedings; creating new provisions; and amending ORS 419C.276.

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

SECTION 1. ORS 419C.276 is amended to read:

419C.276. (1)(a) *[If a victim or witness requests, the court shall order that the address and telephone number of the victim or witness not be given to the youth or youth offender unless good cause is shown to the court.] Unless authorized by the court to disclose the information, the attorney of a youth or youth offender, or an agent of the attorney, may not disclose to the youth or youth offender personal identifiers of a victim or witness.*

(b) The court shall order the attorney, or agent of the attorney, to disclose to the youth or youth offender the personal identifiers of a victim or witness if the court finds that:

(A) The attorney of the youth or youth offender has requested the district attorney or the juvenile department to disclose the information to the youth or youth offender;

(B) The district attorney or the juvenile department has refused to disclose the information to the youth or youth offender; and

(C) The need for the information cannot reasonably be met by other means.

(2) If contacted by the attorney of the youth or youth offender, an agent of the youth or youth offender, or an agent of the attorney of the youth or youth offender, a victim must be clearly informed by the attorney or agent, either in person or in writing:

(a) Of the identity and capacity of the person contacting the victim;

(b) That the victim does not have to talk to the attorney or agent, or provide other discovery unless the victim wishes; and

(c) That the victim may have a representative of the state present during any interview.

(3) Unless the victim consents after receiving a full advice of rights as provided in subsection (2) of this section, a victim may not be required to be interviewed or deposed by or give discovery to the youth or youth offender or the attorney for the youth or youth offender, or an agent of the attorney or youth or youth offender. This subsection does not prohibit the youth or youth offender from:

(a) Subpoenaing or examining the victim in a proceeding when the purpose is other than for discovery; or

(b) Subpoenaing books, papers or documents as provided in ORS 136.580.

(4) Any preadjudication release order must prohibit any contact with the victim, either directly or indirectly, unless specifically authorized by the court. This subsection does not limit contact by the attorney for the youth or youth offender, or an agent of the attorney, other than the youth or youth offender, in the manner set forth in subsection (2) of this section.

(5)(a) If a victim notifies the district attorney or juvenile department that the youth or youth offender, by direct or indirect contact, threatened or intimidated the victim, the district attorney or juvenile department shall notify the court and the attorney for the youth or youth offender. If the youth or youth offender is not in custody and the court finds there is probable cause to believe the victim has been threatened or intimidated by the youth or youth offender, by direct or indirect contact, the court shall immediately issue an order to show cause why the release status should not be revoked.

(b) After conducting a hearing as the court deems appropriate, if the court finds that the victim has been threatened or intimidated by the youth or youth offender, by direct or indirect contact, the release status shall be revoked and the youth or youth offender shall be held in detention until conditions of release sufficient to ensure the safety of the victim and the community can be implemented.

(c) In any hearing convened under this subsection, the victim has the right to be notified in advance of the hearing, to appear personally at the hearing and, if present, to express any views relevant to the issues before the court.

(6)(a) For purposes of subsections (4) and (5) of this section, "contact" has the meaning given that term in ORS 163.730.

(b) For the purposes of subsection (1) of this section, "personal identifiers" means a person's address, telephone number, Social Security number and date of birth and the identifying number of a person's depository account at a financial institution, as defined in ORS 706.008, or credit card account.

SECTION 2. The amendments to ORS 419C.276 by section 1 of this 2009 Act apply to juvenile proceedings commenced on or after the effective date of this 2009 Act.

Passed by Senate March 4, 2009

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Secretary of Senate

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President of Senate

Passed by House May 11, 2009

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Speaker of House

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State