

Senate Bill 248

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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**.

Prohibits disclosure of certain personal identifiers of victim or witness to youth or youth offender in juvenile proceedings unless court orders disclosure.

A BILL FOR AN ACT

1
2 Relating to juvenile proceedings; creating new provisions; and amending ORS 419C.276.

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

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

5 419C.276. (1)(a) *[If a victim or witness requests, the court shall order that the address and tele-*
6 *phone number of the victim or witness not be given to the youth or youth offender unless good cause*
7 *is shown to the court.] Unless authorized by the court to disclose the information, the attorney*
8 **of a youth or youth offender, or an agent of the attorney, may not disclose to the youth or**
9 **youth offender personal identifiers of a victim or witness.**

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

12 **(A) The attorney of the youth or youth offender has requested the district attorney to**
13 **disclose the information to the youth or youth offender;**

14 **(B) The district attorney has refused to disclose the information to the youth or youth**
15 **offender; and**

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **(b) For the purposes of subsection (1) of this section, “personal identifiers” means a**
 24 **person’s address, telephone number, Social Security number and date of birth and the iden-**
 25 **tifying number of a person’s depository account at a financial institution, as defined in ORS**
 26 **706.008, or credit card account.**

27 **SECTION 2. The amendments to ORS 419C.276 by section 1 of this 2009 Act apply to ju-**
 28 **venile proceedings commenced on or after the effective date of this 2009 Act.**