

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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<b>Action:</b>	Do Pass as Amended, Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Tomei, Whisnant, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	2/3, 2/5, 2/8, 2/10

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**WHAT THE MEASURE DOES:** Requires the Department of Justice to notify a victim of a federal habeas corpus proceeding. Requires the Department of Justice to notify a victim of a defendant's appeal in either the Oregon Court of Appeals or the Oregon Supreme Court if the appeal is from a felony, Class A misdemeanor or misdemeanor sex crime conviction. Requires the Department of Justice or the district attorney to notify a victim of a defendant's petition for post-conviction relief. Requires the court to take the victim's schedule into account when scheduling a hearing on the petition for post-conviction relief. Gives the victim the right to examine all information in the public record, the right to be consulted regarding any settlement agreement and the right to be informed about the petition's disposition. Requires the Psychiatric Security Review Board to give a victim an opportunity to be heard either orally or in writing at any hearing regarding the person found guilty but for insanity of a crime against the victim. Requires the victim to be notified of a post-conviction supervision revocation hearing and the right of the victim to be present. Makes part of the bill operative sixty days after passage and the remainder upon passage. Grants the Attorney General, the State Board of Parole and Post-Prison Supervision, and the Psychiatric Security Review Board the authority to adopt regulations to carry-out the provisions of this Act.

**ISSUES DISCUSSED:**

- Right of person seeking parole to have access to statements victims submit to Board of Parole and Post-Prison Supervision versus the right of victim to be protected
- Notification to victim

**EFFECT OF COMMITTEE AMENDMENT:** The amendment replaces the bill.

**BACKGROUND:** Section 42, Article I of the Constitution of the State of Oregon grants to victims of crime the right to: (1) be present and informed in advance of all critical stages of the proceeding held in open court when the defendant is present; (2) obtain information about the conviction, sentence, imprisonment, criminal history and future release from custody of the defendant; (3) refuse a discovery request by the defendant; (4) receive restitution from the convicted defendant; (5) have a copy of the transcript of any court proceedings; (6) the right to be consulted regarding plea negotiations involving a violent felony; and, (7) be informed of these rights. Another approved proposal became Section 43, Article I of the Constitution of the State of Oregon which grants victims the right to: (1) be reasonably protected from the criminal defendant or convicted criminal throughout the criminal justice process; and, (2) have decisions by the court regarding pretrial release of a criminal defendant based on the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial. Neither of these constitutional provisions applies to the criminal appellate process, post-conviction relief, Psychiatric Security Review Board hearings, or to Parole Board hearings. HB 3634A will extend to victims certain rights at these proceedings, most notably the right to be notified.

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*This summary has not been adopted or officially endorsed by action of the committee.*