

Joint Committee on Ways and Means

Carrier – House: Rep. Barker  
Carrier – Senate: Sen. Shields

Revenue: No revenue impact

Fiscal: Fiscal statement issued

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Action: Do Pass the A-Engrossed Measure

Vote: 23 – 0 – 1

House

Yeas: Barker, Buckley, Cowan, Edwards, Garrard, Gilman, Jenson, Komp, Kotek, Nathanson, Richardson

Nays:

Exc: G. Smith

Senate

Yeas: Bates, Courtney, Edwards, Girod, Johnson, Kruse, Monroe, Nelson, Shields, Verger, Whitsett, Winters

Nays:

Exc:

Prepared By: Tim Walker, Legislative Fiscal Office

Meeting Date: February 22, 2010

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**WHAT THE MEASURE DOES:** This bill allows victims of crime to assert certain rights in habeas corpus proceedings, direct appeals, post-conviction relief proceedings, proceedings conducted by the Psychiatric Security Review Board (PSRB) and proceedings conducted by the State Board of Parole and Post Prison Supervision (BPPPS).

Under current law, crime victims have certain rights in court proceedings, but do not have these same rights in post-conviction proceedings.

**ISSUES DISCUSSED:**

- Current law with respect to victim's rights

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**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.