

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Refer to the Senate Judiciary Committee by Prior Reference
Vote:	4 - 0 - 1
Yeas:	Atkinson, Boquist, Monnes Anderson, Schrader
Nays:	0
Exc.:	Morrisette
Prepared By:	Bill Taylor, Administrator
Meeting Dates:	2/2

WHAT THE MEASURE DOES: Allows district attorneys greater discretion in referring a member of the armed services, or a veteran to a supervised performance program if the referral is in the interest of justice and of benefit to the member of the armed services, the veteran, and the community. Excludes offenses involving serious physical injury or a crime classified as a Class A felony or B felony involving physical injury. Requires that the veteran receive a discharge other than dishonorable. Applies to offenses that have not been adjudicated after the effective date of this bill. Takes effect on passage.

ISSUES DISCUSSED:

- Brain injuries and post-traumatic stress may cause veterans to engage in criminal conduct.
- 3000 Oregon National Guardsmen and women are returning to Oregon this year from active duty. Many have served multiple tours in Afghanistan or Iraq.

EFFECT OF COMMITTEE AMENDMENT: Makes the measure applicable to veterans who have received an honorable discharge, a general discharge under honorable conditions or a discharge under other than honorable conditions.

BACKGROUND: The Oregon National Guard is in the midst of its largest deployment since World War II with over 3,000 men and women on active duty. Many are scheduled to return over the next few months. Many have been sent to Iraq or Afghanistan. For many of these men and women this is not their first deployment. We now recognize that concussions from explosives and the stress of combat cause injury to the brain. Injury to the brain causes people to react differently than they may have otherwise done, particularly when under stress. Concussions and combat stress increases the chances that some of these returning National Guard members will come into contact with law enforcement.

This bill would give greater discretion to district attorneys in placing veterans in a supervised performance program. Currently, a district attorney may refer anyone to a supervised performance program unless the person is charged with the crime of Driving Under the Influence of Intoxicants or an offense involving injury to another person.

Throughout our history, we have given benefits to veterans that we have not given to those who are not veterans. This has included preference in hiring, reduced mortgage rates, and school benefits. The United States Supreme Court, in dicta, recently recognized this preference in the context of a criminal law proceeding. *Porter v. McCollum* 558 U.S. ____ (2009).