

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass
Vote:	7 - 0 - 1
Yeas:	Boone, Esquivel, Freeman, Matthews, Riley, Stiegler, Cowan
Nays:	0
Exc.:	Weidner
Prepared By:	Bill Taylor, Administrator
Meeting Dates:	2/18

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. Prohibits a service member charged with Rape I or II, Sodomy I or II, Unlawful Sexual Penetration I or II, or Sex Abuse I from being offered diversion. Prohibits a service member from being offered diversion if the service member is charged with a domestic violence crime while the veteran was subject to a domestic violence protective order in favor of the person. Requires the service member to waive the right to a speedy trial and to plead guilty or no contest to the charge. Requires the court to stay the proceeding for two years if the matter is a domestic violence charge.

ISSUES DISCUSSED:

- Lack of treatment for veterans coming out of the service particularly those who have been in combat
- District Attorney has the discretion to deny diversion to any veteran
- Federal funds may soon be available to assist homeless veterans

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 attorney's 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).

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

Committee Services Form – 2010 Special Session