

A-Engrossed
Senate Bill 654

Ordered by the Senate April 13
Including Senate Amendments dated April 13

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

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.

Requires Oregon Criminal Justice Commission to [*create, upon request of member of Legislative Assembly, racial and ethnic impact statement for proposed legislation or state measure*] **prepare racial and ethnic impact statement for state measures and bills and joint resolutions reported out of committee that, if passed, will be referred to people.** Requires that statement [*pertaining to state measure*] be printed in voters' pamphlet.

[*Requires state agencies awarding grants to include racial and ethnic impact statement in grant application.*]

A BILL FOR AN ACT

1
2 Relating to racial and ethnic impact statements; creating new provisions; and amending ORS 137.656
3 and 251.185.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 250.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Criminal offender population" means all persons who are convicted of a felony or**
8 **adjudicated for an act that, if committed by an adult, would constitute a felony.**

9 (b) **"Recipients of human services" means all persons who are found to be within the ju-**
10 **risdiction of the juvenile court under ORS 419B.100 or who receive child welfare services**
11 **described in ORS 418.005.**

12 (2) **The Oregon Criminal Justice Commission shall prepare a racial and ethnic impact**
13 **statement:**

14 (a) **For each state measure that affects the racial and ethnic composition of the criminal**
15 **offender population or the racial and ethnic composition of the recipients of human services;**
16 **and**

17 (b) **For each bill or joint resolution reported out of a committee of the Legislative As-**
18 **sembly that, if passed, will be referred to the people and will affect the racial and ethnic**
19 **composition of the criminal offender population or the racial and ethnic composition of the**
20 **recipients of human services.**

21 (3) **A racial and ethnic impact statement must be impartial, simple and understandable**
22 **and must include, for racial and ethnic groups for which data are available, the following:**

23 (a) **An estimate of how the state measure, bill or joint resolution would change the racial**
24 **and ethnic composition of the criminal offender population or the racial and ethnic compo-**
25 **sition of the recipients of human services;**

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) A statement of the methodologies and assumptions used in preparing the estimate;**
2 **and**

3 **(c) If the racial and ethnic impact statement addresses the effect of a state measure, bill**
4 **or joint resolution on the racial and ethnic composition of the criminal offender population,**
5 **an estimate of the racial and ethnic composition of the crime victims who may be affected**
6 **by the state measure, bill or joint resolution.**

7 **(4) When the commission prepares a racial and ethnic impact statement for a state**
8 **measure:**

9 **(a) Not later than the 99th day before the election at which the measure is to be sub-**
10 **mitted to the people, the commission shall file the statement with the Secretary of State.**

11 **(b) Not later than the 95th day before the election at which the measure is to be voted**
12 **upon, the Secretary of State shall hold a hearing in Salem, upon reasonable statewide notice,**
13 **to receive suggestions for changes to the statement or to receive other information. At the**
14 **hearing, any person may submit suggested changes or other information orally or in writing.**
15 **Written suggestions and any other information also may be submitted at any time before the**
16 **hearing.**

17 **(c) The commission shall consider suggestions and any other information submitted un-**
18 **der paragraph (b) of this subsection and may file a revised statement with the Secretary of**
19 **State not later than the 90th day before the election at which the measure is to be voted**
20 **upon.**

21 **(d) The Secretary of State shall certify the statement not later than the 90th day before**
22 **the election at which the measure is to be voted upon.**

23 **(e) All statements prepared under this section shall be made available to the public.**

24 **(f) A failure to prepare, file or certify a statement does not prevent inclusion of the**
25 **measure in the voters' pamphlet.**

26 **(5) The commission may adopt rules to carry out the provisions of this section.**

27 **SECTION 3.** ORS 251.185 is amended to read:

28 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general
29 election or any special election a copy of the title and text of each state measure to be submitted
30 to the people at the election for which the pamphlet was prepared. The pamphlet must include the
31 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet
32 with:

33 (a) The number and ballot title of the measure;

34 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

35 **(c) Any racial and ethnic impact statement prepared for the measure under section 2 of**
36 **this 2011 Act;**

37 [(c)] **(d)** The explanatory statement prepared for the measure; and

38 [(d)] **(e)** Arguments relating to the measure and filed with the Secretary of State.

39 (2) A county measure or measure of a metropolitan service district organized under ORS chapter
40 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the
41 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet
42 described in subsection (1) of this section if required under ORS 251.067.

43 **SECTION 4.** ORS 137.656 is amended to read:

44 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
45 tiveness and efficiency of state and local criminal justice systems by providing a centralized and

1 impartial forum for statewide policy development and planning.

2 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy
3 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses
4 public safety, offender accountability, crime reduction and prevention and offender treatment and
5 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

6 (a) Capacity, utilization and type of state and local prison and jail facilities;

7 (b) Implementation of community corrections programs;

8 (c) Alternatives to the use of prison and jail facilities;

9 (d) Appropriate use of existing facilities and programs;

10 (e) Whether additional or different facilities and programs are necessary;

11 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices
12 and sanctions in reducing future criminal conduct by juvenile and adult offenders;

13 (g) Methods of reducing the risk of future criminal conduct; and

14 (h) The effective utilization of local public safety coordinating councils.

15 (3) Other duties of the commission are:

16 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
17 any matter within the jurisdiction of the commission.

18 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
19 and serve as a clearinghouse and information center for the collection, preparation, analysis and
20 dissemination of information on state and local sentencing practices.

21 (c) To provide technical assistance and support to local public safety coordinating councils.

22 (d) To receive grant applications to start or expand drug court programs as defined in ORS
23 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

24 (e) **To prepare the racial and ethnic impact statements described in section 2 of this 2011
25 Act.**

26 (4) The commission shall establish by rule the information that must be submitted under ORS
27 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
28 must be approved by the Chief Justice of the Supreme Court before it takes effect.

29 (5) The commission may:

30 (a) Apply for and receive gifts and grants from any public or private source.

31 (b) Award grants from funds appropriated by the Legislative Assembly to the commission or
32 from funds otherwise available from any other source, for the purpose of carrying out the duties of
33 the commission.

34 (c) Adopt rules to carry out the provisions of this subsection.

35 **SECTION 5. Section 2 (2)(a) of this 2011 Act and the amendments to ORS 251.185 by
36 section 3 of this 2011 Act apply to elections held after the first Tuesday after the first Mon-
37 day in November 2012.**

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