

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 8 - 0 - 1
Yeas: Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Barker
Nays: 0
Exc.: Williamson
Prepared By: Mike Schmidt, Counsel
Meeting Dates: 4/4

WHAT THE MEASURE DOES: Adds “agents of the defense” to the statutes that govern the rules of engagement with the victims of crime.

ISSUES DISCUSSED:

- Defense investigators have the same obligations as defense attorneys when interviewing and contacting people

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Defense attorneys already have an obligation to inform victims whom they contacted of their identity, that the victims do not have to talk with them and that the victim may elect to have a district attorney or assistant attorney general present during the interview. *Jonson v. DPSST* (Nov 2012) said that the statute (ORS 135.907) does not apply to defense attorney investigators. House Bill 3281 would make it clear that investigators employed by defense attorneys must identify themselves appropriately and inform a victim of their right to not answer questions, and the right to have another state’s attorney present during the interview.