

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Close, Dingfelder, Kruse, Roblan, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	4/30

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:

- Not all defense investigators act like the defense investigator in *Johnson v. DPSST*

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: *Johnson v. DPSST* (Nov 2012) The defense already had 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. However, this court case said that the statute (ORS 135.907) does not apply to defense attorney investigators. House Bill 3281 would make it clear that even defense attorney investigators 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.