

# House Bill 3405

Sponsored by Representatives GALLEGOS, FREDERICK; Representatives BUCKLEY, DEMBROW, DOHERTY, GOMBERG, GREENLICK, KENY-GUYER, LIVELY, TOMEI, VEGA PEDERSON, WILLIAMSON, WITT

## 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 **as introduced**.

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. 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:**

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

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

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

11 (2) **At the request of a member of the Legislative Assembly, the Oregon Criminal Justice**  
12 **Commission shall prepare a racial and ethnic impact statement that describes the effects of**  
13 **proposed legislation on the racial and ethnic composition of:**

14 (a) **The criminal offender population; or**

15 (b) **Recipients of human services.**

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

18 (a) **An estimate of how the proposed legislation would change the racial and ethnic**  
19 **composition of the criminal offender population or recipients of human services;**

20 (b) **A statement of the methodologies and assumptions used in preparing the estimate;**  
21 **and**

22 (c) **If the racial and ethnic impact statement addresses the effect of proposed legislation**  
23 **on the criminal offender population, an estimate of the racial and ethnic composition of the**  
24 **crime victims who may be affected by the proposed legislation.**

25 (4) **The commission shall adopt rules to carry out the provisions of this section.**

26 **SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS chapter 250.**

27 **SECTION 3. (1) At the request of a member of the Legislative Assembly, the Oregon**  
28 **Criminal Justice Commission shall prepare a racial and ethnic impact statement that de-**  
29 **scribes the effects of a state measure on the racial and ethnic composition of:**

**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 (a) The criminal offender population, as defined in section 1 of this 2013 Act; or

2 (b) Recipients of human services, as defined in section 1 of this 2013 Act.

3 (2) The statement must be impartial, simple and understandable and must include the  
4 information described in section 1 (3) of this 2013 Act.

5 (3) If the commission has prepared a racial and ethnic impact statement for a state  
6 measure, not later than the 99th day before a special election held on the date of a primary  
7 election or any general election at which the state measure is to be submitted to the people,  
8 the commission shall file the statement with the Secretary of State.

9 (4) Not later than the 95th day before the election, the Secretary of State shall hold a  
10 hearing in Salem upon reasonable statewide notice to receive suggestions for changes to the  
11 statement or to receive other information. At the hearing, any person may submit suggested  
12 changes or other information orally or in writing. Written suggestions and any other infor-  
13 mation also may be submitted at any time before the hearing.

14 (5) The commission shall consider suggestions and any other information submitted un-  
15 der subsection (4) of this section and may file a revised statement with the Secretary of  
16 State not later than the 90th day before the election at which the measure is to be voted  
17 upon.

18 (6) The Secretary of State shall certify the statement not later than the 90th day before  
19 the election at which the measure is to be voted upon.

20 (7) All statements prepared under this section shall be made available to the public.

21 (8) A failure to prepare, file or certify a statement does not prevent inclusion of the  
22 measure in the voters' pamphlet.

23 **SECTION 4.** (1) A state agency that awards grants shall require that each grant appli-  
24 cation include a racial and ethnic impact statement that must contain the following infor-  
25 mation:

26 (a) Any disproportionate or unique impact of proposed policies or programs on minority  
27 persons in this state;

28 (b) A rationale for the existence of policies or programs having a disproportionate or  
29 unique impact on minority persons in this state; and

30 (c) Evidence of consultation with representatives of minority persons in cases in which  
31 a proposed policy or program has a disproportionate or unique impact on minority persons  
32 in this state.

33 (2) The Oregon Department of Administrative Services shall create and distribute a racial  
34 and ethnic impact statement form for state agencies and shall ensure that the statement is  
35 included in applications for grants awarded by state agencies.

36 (3) The racial and ethnic impact statement shall be used for informational purposes.

37 (4) As used in this section:

38 (a) "Minority persons" includes individuals who are women, persons with disabilities,  
39 African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan  
40 Natives.

41 (b) "State agency" means the executive department as defined in ORS 174.112.

42 **SECTION 5.** ORS 251.185 is amended to read:

43 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
44 election or any special election a copy of the title and text of each state measure to be submitted  
45 to the people at the election for which the pamphlet was prepared. The pamphlet must include the

1 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
2 with:

- 3 (a) The number and ballot title of the measure;
- 4 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 5 (c) The explanatory statement prepared for the measure;
- 6 (d) Arguments relating to the measure and filed with the Secretary of State;
- 7 **(e) Any racial and ethnic impact statement prepared for the measure under section 3 of**  
8 **this 2013 Act;** and
- 9 [(e)] **(f)** Any statement submitted for the measure by a citizen panel under ORS 250.141.

10 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
11 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
12 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
13 described in subsection (1) of this section if required under ORS 251.067.

14 **SECTION 6.** ORS 137.656 is amended to read:

15 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-  
16 tiveness and efficiency of state and local criminal justice systems by providing a centralized and  
17 impartial forum for statewide policy development and planning.

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

- 22 (a) Capacity, utilization and type of state and local prison and jail facilities;
- 23 (b) Implementation of community corrections programs;
- 24 (c) Alternatives to the use of prison and jail facilities;
- 25 (d) Appropriate use of existing facilities and programs;
- 26 (e) Whether additional or different facilities and programs are necessary;
- 27 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices  
28 and sanctions in reducing future criminal conduct by juvenile and adult offenders;
- 29 (g) Methods of reducing the risk of future criminal conduct; and
- 30 (h) The effective utilization of local public safety coordinating councils.

31 (3) Other duties of the commission are:

- 32 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on  
33 any matter within the jurisdiction of the commission.
- 34 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies  
35 and serve as a clearinghouse and information center for the collection, preparation, analysis and  
36 dissemination of information on state and local sentencing practices.

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

38 (d) To receive grant applications to start or expand drug court programs as defined in ORS  
39 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

40 **(e) To prepare the racial and ethnic impact statements described in sections 1 and 3 of**  
41 **this 2013 Act.**

42 (4) The commission shall establish by rule the information that must be submitted under ORS  
43 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection  
44 must be approved by the Chief Justice of the Supreme Court before it takes effect.

45 (5) The commission may:

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

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

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

6 **SECTION 7. Section 3 of this 2013 Act and the amendments to ORS 251.185 by section 5**  
7 **of this 2013 Act apply to elections held after the first Tuesday after the first Monday in No-**  
8 **vember 2014.**

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