

Enrolled
Senate Bill 463

Sponsored by Senator SHIELDS, Representative GALLEGOS; Senators EDWARDS, WINTERS, Representatives FREDERICK, GOMBERG, GREENLICK, KENY-GUYER, VEGA PEDERSON, WILLIAMSON

CHAPTER

AN ACT

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

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

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

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

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

(2) To obtain a racial and ethnic impact statement described in this section, one member of the Legislative Assembly from each major political party must sign a written request. Upon receipt of the written request, the Oregon Criminal Justice Commission shall prepare a racial and ethnic impact statement that describes the effects of proposed legislation on the racial and ethnic composition of:

- (a) The criminal offender population; or
- (b) Recipients of human services.

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

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

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

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

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

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

SECTION 3. (1) To obtain a racial and ethnic impact statement described in this section, one member of the Legislative Assembly from each major political party must sign a written request. Upon receipt of the written request, the Oregon Criminal Justice Commission shall prepare a racial and ethnic impact statement that describes the effects of a state measure on the racial and ethnic composition of:

(a) The criminal offender population, as defined in section 1 of this 2013 Act; or
(b) Recipients of human services, as defined in section 1 of this 2013 Act.
(2) The statement must be impartial, simple and understandable and must include the information described in section 1 (3) of this 2013 Act.

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

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

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

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

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

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

SECTION 4. (1) A state agency that awards grants shall require that each grant application include a racial and ethnic impact statement that must contain the following information:

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

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

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

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

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

(4) The requirements of this section apply only to grants awarded to corporations or other legal entities other than natural persons.

(5) As used in this section:

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

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

SECTION 5. Sections 1 to 4 of this 2013 Act are repealed on January 2, 2018.

SECTION 6. ORS 251.185 is amended to read:

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

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

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

- (c) The explanatory statement prepared for the measure;
- (d) Arguments relating to the measure and filed with the Secretary of State;
- (e) **Any racial and ethnic impact statement prepared for the measure under section 3 of this 2013 Act;** and

[e)] (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

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

SECTION 7. ORS 137.656 is amended to read:

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

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

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

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

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

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

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

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

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

(5) The commission may:

- (a) Apply for and receive gifts and grants from any public or private source.
- (b) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.
- (c) Adopt rules to carry out the provisions of this subsection.

SECTION 8. ORS 251.185, as amended by section 6 of this 2013 Act, is amended to read:

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

- (a) The number and ballot title of the measure;
- (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- (c) The explanatory statement prepared for the measure;
- (d) Arguments relating to the measure and filed with the Secretary of State; **and**
- [(e) Any racial and ethnic impact statement prepared for the measure under section 3 of this 2013 Act; and]*

[(f)] (e) Any statement submitted for the measure by a citizen panel under ORS 250.141.

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

SECTION 9. ORS 137.656, as amended by section 7 of this 2013 Act, is amended to read:

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

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

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

(3) Other duties of the commission are:

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

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

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

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

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

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

(5) The commission may:

- (a) Apply for and receive gifts and grants from any public or private source.
- (b) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

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

SECTION 10. The amendments to ORS 137.656 and 251.185 by sections 8 and 9 of this 2013 Act become operative on January 2, 2018.

SECTION 11. Section 3 of this 2013 Act and the amendments to ORS 251.185 by section 6 of this 2013 Act apply to elections held after the first Tuesday after the first Monday in November 2014.

Passed by Senate April 16, 2013

Received by Governor:

Repassed by Senate June 25, 2013

.....M,....., 2013

Approved:

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Robert Taylor, Secretary of Senate

.....M,....., 2013

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Peter Courtney, President of Senate

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John Kitzhaber, Governor

Passed by House June 14, 2013

Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

.....M,....., 2013

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Kate Brown, Secretary of State