

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2339
CARRIER: Rep. Williamson

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/02/15

Action: Do Pass.

Meeting Dates: 02/02

House

Yeas: 7 - Barker, Greenlick, Williamson, Olson, Post, Sprenger, Lininger

Exc: 2 - Barton, Krieger

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Requires courts to appoint qualified interpreter in criminal proceedings for non-English speaking victims, or victims who are persons with a disability, who seek to exercise victims' constitutional rights in court. Includes juvenile delinquency proceedings. Prohibits charging of fee to non-English speaking parties or victims. Allows victims to request new interpreter be appointed should victim be dissatisfied with interpreter appointed by court and prohibits appointment of interpreter who has conflict of interest with victims. Declares emergency; effective on passage.

ISSUES DISCUSSED:

1) Victims' constitutional rights to be present at critical stages of criminal proceeding; 2) Language barrier may diminish participation by victim; 3) Victim's presence may impact proceeding; 4) Victims with hearing disability included in measure; 5) Consistency with federal requirements

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Article I, Section 42 of Oregon's Constitution grants certain rights to crime victims, including the right to be present at all critical stages of the criminal prosecution and to be heard at the pre-trial release hearing and sentencing. A "critical stage" of a proceeding is defined in ORS 147.500 and includes release hearings, preliminary hearings, hearings on motions and petitions, entry of pleas, trials, restitution hearings, sentencing, probation violation hearings, or any other stage of the proceeding the court determines is a critical stage.

Currently, courts must appoint interpreters for non-English speaking parties or witnesses if necessary to interpret the proceedings or assist the court in its duties. The court also has an obligation to provide assistive hearing devices to a person with a disability who is a party or a witness. The court is not expressly authorized to appoint an interpreter to a victim who is in attendance at a hearing.

House Bill 2339 extends the requirement that courts appoint an interpreter to include victims when those victims are seeking to exercise their rights under the Oregon Constitution.