

STAFF MEASURE SUMMARY**House Committee On Judiciary****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/16/15**Action:** Do Pass With Amendments, Be Printed Engrossed And Be Referred To Ways And Means By Prior Reference.**Meeting Dates:** 03/26, 04/16**Vote:**

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Williamson

Exc: 1 - Sprenger

Prepared By: Eric Deitrick, Counsel**WHAT THE MEASURE DOES:**

Creates legislative findings of fact, defines terms, and establishes the Uniform Collateral Consequences and Conviction Act. Establishes the Collateral Consequences Commission and defines its membership. Requires certain warnings be given to person at time of arraignment and plea in criminal and juvenile delinquency proceedings. Establishes January 1, 2018 as effective date of those warnings.

ISSUES DISCUSSED:

- Bill and amendment product of work group of members of Oregon Law Commission
- The large number of collateral consequences to criminal convictions
- Difference between the (-1) and (-2) amendment

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

Criminal convictions and juvenile adjudications carry additional consequences than those imposed by the court in its judgment. Those consequences can range significantly. Ethically, attorneys have a requirement to provide competent legal advice to their clients about the consequences of their legal decisions. In Padilla v. Kentucky, 559 U.S. 356 (2010), the United States Supreme Court ruled that defense counsel must advise their clients on the immigration consequences of their legal decision when deportation will result from a conviction. This case heightened discussion amongst criminal law practitioners about what consequences defense counsel are required to advise their clients.

House Bill 2367 A arose from that discussion. The bill establishes a commission to continue studying the issue. The commission would have two years to study the issue. It establishes certain warnings be given to persons at time of arraignment and plea, effective July 1, 2018.