

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

MEASURE: HB 3437 A
CARRIER: Rep. Lininger

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/21/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 04/09, 04/21

Vote:

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

Nays: 1 - Barton

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Authorizes “Certificates of Good Standing” (“Certificates”) for offenders who have been convicted of Class A misdemeanors or felony offenses. Establishes eligibility and procedure. Defines terms. Creates offense if person knowingly presents revoked or invalid certificate. Establishes rebuttable presumption in cases of negligent hiring if employer had notice of certificate.

ISSUES DISCUSSED:

- Need for reentry programs
- Transitional issues for offenders released from prison and re-entering workforce
- Number of steps required to obtain a certificate
- Lack of data on efficacy of reentry courts

EFFECT OF COMMITTEE AMENDMENT:

Eliminates the court hearing described in subsection 7 of the original bill. Clarifies the judge should examine written materials to determine if offender is eligible rather than conducting an adversarial hearing. Requires revocation of the certificate if the offender is convicted of a Class A or B misdemeanor or any felony. Reduces the penalty for those who knowingly present a revoked or invalid certificate to a Class A violation.

BACKGROUND:

House Bill 3437 A creates a process whereby certain eligible offenders can obtain a “Certificate of Good Standing” (“Certificate”). A person convicted of a Class A misdemeanor or felony offense may petition for a Certificate. The person seeking the Certificate must file a petition with the county’s reentry court steering committee or the county commissioners. Either body would then certify the petition. The offender would then file the certified petition with the court. Eligibility for the Certificate would be based on objective and verifiable information. A judge would then review certified petition. A district attorney can object, but no hearing is authorized.

If a judge issues the Certificate, it must notify the State Police, who are required to update law enforcement databases to include the Certificate. The court may later revoke the Certificate if the offender commits certain offenses or is found to have made a material misrepresentation in the underlying petition. The Department of Corrections is required to develop the forms for the petition. The district attorney is prohibited from conditioning a plea agreement on future eligibility for a Certificate. It is a Class A violation offense to knowingly present a revoked or invalid certificate.

In addition, House Bill 3437 A establishes a rebuttable presumption in cases of negligent hiring if employer had notice of Certificate.