

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

MEASURE: HB 3466 A
CARRIER: Sen. Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/13/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 05/13

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Establishes that release criteria for defendant charged with sex crime or crime constituting domestic violence must include prohibition on contact or attempted contact with victim, either directly or through third party. Provides that when defendant is charged with sex crime or crime involving domestic violence, court must enter order prohibiting contact or attempted contact with victim, either directly or through third party, while defendant is in custody. Contains exemption for defense attorney or defense attorney agent other than defendant.

ISSUES DISCUSSED:

- Substance of the bill
- Crime victim's rights
- How victims may be compelled not to testify
- Need for an amendment allowing defense attorney contact

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 135.252 sets out the framework for the appointment and duties of a release assistance officer. A release officer, if properly directed by the court, investigates a defendant's case and life circumstance, and submits a report to the court evaluating whether a defendant may be released pending trial. Such a report typically generates a release hearing, at which the court will hear arguments from the district attorney, defense counsel and the release officer concerning the custody status of the defendant. The victim of the crime has the right to be heard in relation to the release decision, and must be notified of any release hearing before the court. Should the court order release, certain conditions will be placed upon the defendant. If the defendant violates any of these conditions of release, the person may be brought back into custody and held pending adjudication of the underlying criminal matter.

House Bill 3466 A amends ORS 135.247, a provision of statute that comes into effect if the defendant is charged with a sex crime or a crime constituting domestic violence. Under the current drafting of the law, ORS 135.247 provides that a release officer must include a provision prohibiting contact with the victim in a decision to release. House Bill 3466 A expands upon this by stating that the order must prohibit contact or attempted contact, either directly or through a third party.

Additionally, ORS 135.247 currently states that, when a defendant is charged with a sex crime or a crime constituting domestic violence, the court shall enter an order prohibiting contact with the victim while the defendant is in custody. Similar to the aforementioned provisions, House Bill 3466 A expands this prohibition to include contact or attempted contact, either directly or through a third party.