

Senate Bill 738

Sponsored by Senator SHIELDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that criminal defendants do not lose right to vote as result of incarceration.

A BILL FOR AN ACT

Relating to voting by incarcerated persons; amending ORS 137.281.

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

SECTION 1. ORS 137.281 is amended to read:

137.281. (1) In any felony case, when the defendant is sentenced to a term of incarceration, the defendant is deprived of all rights and privileges described in subsection (3) of this section from the date of sentencing until:

(a) The defendant is released from incarceration; or

(b) The defendant's conviction is set aside.

(2) Subsection (1) of this section applies to any term of incarceration, whether the term of incarceration was imposed as a result of conviction or as a sanction or revocation resulting from the defendant's violation of the terms and conditions of probation, parole or post-prison supervision.

(3) The rights and privileges of which a person may be deprived under this section are:

(a) Holding a public office or an office of a political party or becoming or remaining a candidate for either office;

(b) Holding a position of private trust; **or**

(c) Acting as a juror[; *or*].

[(d) Exercising the right to vote.]

(4) If the court under subsection (1) of this section temporarily stays execution of sentence for any purpose other than probation, the defendant nonetheless is sentenced for purposes of subsection (1) of this section.

(5) A person convicted of any crime and serving a term of imprisonment in any federal correctional institution in this state is deprived of the rights to register to vote, update a registration or vote in any election in this state from the date of sentencing until:

(a) The person is discharged or paroled from imprisonment; or

(b) The person's conviction is set aside.

(6) The county clerk or county official in charge of elections in any county may cancel the registration of any person serving a term of imprisonment in any federal correctional institution in this state.

(7) Except as otherwise provided in ORS 10.030, the rights and privileges withdrawn by this section are restored automatically upon release from incarceration, but in the case of parole shall be automatically withdrawn upon a subsequent imprisonment for violation of the terms of the parole.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(8)(a) A person sentenced to a term of incarceration in the custody of the Department**
2 **of Corrections or the supervisory authority of a county who is a resident of this state shall**
3 **not lose the ability to exercise the person's right to vote.**

4 **(b) The Department of Corrections shall adopt rules to carry out the provisions of this**
5 **subsection.**

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