

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

House Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/8

WHAT THE MEASURE DOES: Allows for unlimited statute of limitation on first degree sex crimes when prosecuting attorney receives additional corroborative evidence of a crime. Specifies additional corroborative evidence can be physical evidence other than DNA sample, confession of crime, contemporaneous oral or written statements, and report made by different victim to law enforcement agency alleging defendant committed crime. Requires prosecuting attorney to present any evidence reasonably tending to negate guilt of defendant. Includes within Assault in the Third Degree (ORS 163.165) causing physical injury to another by means of a motor vehicle with criminal negligence. Specifies criminally negligent assault is category four on sentencing guideline.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-1) amendments adds to existing public records exemption. Prohibits disclosure of images of death as part of law enforcement investigation if release of images would constitute an unreasonable invasion of privacy of deceased person's family. Allows disclosure if shown by clear and convincing evidence that public interest requires disclosure. Requires party seeking disclosure to shown by clear and convincing evidence that disclosure is not unreasonable invasion of privacy.

Proposed (-2) amendments limit assault 3 provisions to those who are vulnerable road users: pedestrians, highway workers, persons riding animals, or persons operating tractors, skateboards, rollerskates, inline skates, scooters or bicycles on the roadway.

Proposed (-3) amendments clarify that statute of limitations reopens when report is made by different victim to law enforcement agency alleging same defendant committed a substantially similar crime.

Proposed (-4) amendments refine substantially similar crime to apply to two reported crime that could be charged in same charging instrument.

Proposed (-5) amendments clarify that any misdemeanor, Class C felony, or felony punishable as misdemeanor is eligible for set aside.

Proposed (-6) amendments clarify that statement made by victim to another person or written statement of victim must be in temporal proximity to commission of crime in order to reopen statute of limitations. Specifies that prosecuting attorney must disclose evidence known to prosecuting attorney.

Proposed (-7) amendments clarify that confession by defendant must be to crime reported by victim.

BACKGROUND: In the 2015 session, the Oregon Legislature doubled the statute of limitations for first degree sex crimes from six years to twelve years. During the interim, a work group met to review whether additional changes should be made to the time allowed for prosecution of first degree sex crimes. The work group proposed allowing an unlimited statute of limitations in situations in which additional corroborative evidence of a crime arises.

2/8/2016 8:30:00 AM *

This summary has not been adopted or officially endorsed by action of the committee.

Committee Services Form – 2015 Regular Session