

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:** 2/5

WHAT THE MEASURE DOES: Requires all proceedings before a grand jury be recorded, either through digital means or by certified short hand reporter, if requested. Staggers implementation across the state. Allows attorney or unrepresented defendant to access record or audio transcript. Prohibits audio transcript from otherwise being released if grand jury returns true bill, or if not true bill is in case of public servant. Provides protections for sensitive information, such as confidential records unrelated to charge, or personal information of grand jurors and witnesses. Allows for protective order to limit access to recording or transcript. Allows use of testimony for impeachment purposes, but contains three areas in which peace officer may introduce hearsay testimony: If the witness is under 15 years of age (14 or younger), witness has disability preventing communicating or understanding of proceedings, or witness is domestic violence victim. Makes recording or transcript confidential document and prohibits release under public records request. Becomes operative in certain counties on October 1, 2017. Becomes operative statewide on July 1, 2018. Takes effect 91 days sine die.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) amendments modifies provisions of underlying measure. Allows prosecuting attorney access at any time to recording or transcript. Requires prosecuting attorney to make specific request on what information to redact when filing motion for protective order. Modifies procedure for testimony from peace officer in grand jury proceeding to include statement any statement that, if offered at trial, would be admissible under ORS 40.460, including current domestic violence victim exception. Makes technical corrections. Proposed (-3) amendments remove public servant disclosure exception from measure. Proposed (5) amendments change age for peace officer to testify on behalf of victim from under 15 years of age to under 18 years of age.

BACKGROUND: In the 2015 session, the Legislature considered Senate Bill 822, which would require recordation of grand jury proceedings. The measure was not enacted in 2015, but a work group met during the interim to discuss improvements and modifications to the prior bill. Senate Bill 1550 is the result of that effort.

2/9/2016 7:28:00 AM *

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

Committee Services Form – 2015 Regular Session