

REVENUE: No revenue impact
FISCAL: Minimal fiscal impact, no statement issued
SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Erin Seiler, Administrator

Meeting Dates: 2/23

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, oral or written statements made in temporal proximity to crime, and report made by different victim alleging defendant committed a substantially similar crime. Requires prosecuting attorney to present any evidence reasonably tending to negate guilt of defendant. Creates new manner of committing crime of assault in the third degree (ORS 163.165) to include causing physical injury to vulnerable road user by means of motor vehicle with criminal negligence. Specifies criminally negligent assault is category four on sentencing guideline. Adds to existing public records disclosure exemptions, prohibiting disclosure of images related to death of person, if disclosure 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. Clarifies that any misdemeanor, Class C felony, or felony punishable as misdemeanor is eligible for set aside.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

-A13 amendment: Removes provisions regarding unlimited statute of limitation on first degree sex crimes when prosecuting attorney receives additional corroborative evidence of a crime.

BACKGROUND: Senate Bill 1553-A is the "relating to crimes" omnibus bill. It has four distinct elements. First, it allows an unlimited statute of limitations for first degree sex crimes when there is additional corroborating evidence of the crime. This corroborating evidence can be through non-DNA physical evidence, such as a video tape or recording; a confession by the defendant to that particular crime; statements made by the victim that are made close in time to the alleged crime; or when multiple victims come forward alleging a crime that is so similar, they could be on the same charging instrument. Second, the measure expands assault in the third degree to include causing serious physical injury through criminal negligence to a vulnerable road user, such as a bicyclist, road worker, person on skates, or pedestrian. Criminal negligence is defined in ORS 161.085(10) as, "a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation." Third, the measure modifies the set-aside statutes to clarify that any Class C felony may be expunged. This is in keeping with current law. Finally, the measure adds a new public records disclosure exemption to ORS 192.502(2), by extending exemption to images related to a person's death contained in a law enforcement investigation, if disclosure constitutes an unreasonable invasion of privacy to a deceased person's family.

2/22/2016 11:55:00 AM *

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