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Support Senate Bill 1553B

Protects Vulnerable Road Users: Senate Bill 1553B fixes a gap in Oregon Law by allowing vulnerable road users suffering serious physical injury by means of a motor vehicle to seek restitution where the defendant was criminally negligent.

- A vulnerable road user is a pedestrian (any individual afoot on the road including an officer or stranded motorist), a highway worker, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway: 1) A farm tractor or implement of husbandry; 2) A skateboard; 3) Roller skates; 4) In-line skates; 5) A scooter; or 6) A bicycle.
- Currently, if a vulnerable road user dies as a result of criminally negligent assault with a motor vehicle, the defendant may be charged with "Criminally Negligent Homicide." If the victim survives, but is paralyzed or loses a limb, *no criminal charges exist*.
- Criminal negligence is a high bar. Criminal negligence requires *a gross deviation from a reasonable standard of care, and a failure to be aware of a substantial and unjustifiable risk*. Accidents are not covered by this bill- there must be criminal conduct.
- Crime Category 4 offenders cannot receive a state prison sentence.
- Victims will be able to receive constitutionally entitled restitution. Minor felony classification holds defendants accountable and allows for probation officers to monitor payment plans.
- Minor felony convictions can be expunged.
- Estimated to affect five or fewer cases per year, but those events permanently alter victim's lives.
- Sample cases provided on the back of this document.

Saves Families from the Public Release of Violent Crime Scene Images: The bill prevents the public release of violent crime scene images when the release would constitute an unreasonable invasion of privacy, unless the public interest requires disclosure by clear and convincing evidence.

- Makes certain that death scene investigation images are not publically released, thus further victimizing families of the decedent. These families should not relive the tragedy on for profit web sites like www.distrubinghorror.com.
- Requested by the Douglas County Sheriff's Office to ensure the privacy of the Umpqua Community College shooting victims.
- Allows a court to weigh in on the release of death scene images and order release if in the public interest.

Cleans up the Complicated Expungement Statute: Clarifies the expungement statute by making technical adjustments.

- Clarifies the extremely dense expungement provisions in order to avoid needless litigation.

Example Cases

- **Marion County:** Oregon State Police Trooper John Burright was struck by a motor vehicle on the side of Interstate 5 while he was out of his patrol vehicle. Trooper Burright survived the incident, but with serious physical injury. As a result of the event he is unable to verbally communicate or walk. He is now living full time in an adult care facility. The incident victimizing Trooper Burright's incident could not be prosecuted because of a gap in Oregon's Law and thus he could not receive restitution. Two other victims were killed as a result of the incident and the state was able to pursue Criminally Negligent Homicide charges as to those victims.
- **Clackamas County:** A young, single mother in medical school was struck in a crosswalk and lost her leg. The defendant was only cited for "Careless Driving involving a Vulnerable User on a Public Way," because of the gap in Oregon's criminal law. A year later, she re-learned to walk with the assistance of a prosthetic leg. Thankfully, the Clackamas Peace Officers Benevolent Fund authorized a contribution fund to be opened at Clackamas Federal Credit Union in the victim's name, because restitution was unavailable.
- **Sherman County:** The victim was outside of their vehicle assisting another crashed motorist on the side of the road. Defendant, while driving under the influence of intoxicants, struck the victim resulting in a loss of the victim's leg. The victim did not want to prosecute the case because the only available criminal charge involved a prison sentence, however he wanted access to restitution. The charge contemplated by Senate Bill 1553B would have been the appropriate vehicle to obtain restitution for the victim. Restitution was valued at \$248,679.68.
- **Multnomah County:** A cyclist victim was riding with another cyclist with the right of way at a busy intersection. After stopping short, the defendant observed both cyclists and attempted to speed through the intersection in an effort to drive through first. The defendant struck the victim and his leg was severed. The state was unable to take the case to the grand jury for lack of appropriate charges.

There are not more than a few cases each year that will be affected by SB 1553B, but the cases almost always involve victims whose lives are permanently altered. Most are unable to work. Some, like Trooper Burright, are never able to regain independence.