

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 02/23/16

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 02/23

**Vote:**

Yeas: 3 - Beyer, Burdick, Rosenbaum

Nays: 2 - Boquist, Ferrioli

**Prepared By:** Erin Seiler, Committee Administrator

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**WHAT THE MEASURE DOES:**

Includes causing physical injury to vulnerable road user by means of motor vehicle with criminal negligence within crime of Assault in Third Degree (ORS 163.165). 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 show 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:**

- Amendment

**EFFECT OF COMMITTEE 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-B is the "relating to crime" omnibus bill. It has three distinct elements. First, 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." Second, 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.