

HB 2355 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/6

WHAT THE MEASURE DOES:

Punishes possession of controlled substances as misdemeanor, unless offense involves substantial quantities or classified as commercial drug offense. Maintains community corrections supervision over persons convicted of misdemeanor offense.

Requires law enforcement agencies to record specified information related to pedestrian and vehicle stops, including race and gender of person stopped, legal reason for stop and disposition of stop. Phases in recording requirement based on size of agency. Directs Criminal Justice Commission (CJC) to review compiled information to identify patterns or practices of profiling. Requires CJC to provide, beginning July 1, 2020, annual report to legislative committees, Office of Governor and Department of Public Safety Standards and Training (DPSST). Authorizes DPSST to provide advice or assistance to law enforcement agencies identified in report and requires summary of advice or assistance provided to be presented at public meeting of local public safety coordinating council. Directs DPSST to establish mandatory educational programs to reduce profiling.

Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The general rule under Oregon law is that possession of a controlled substance is classified as a felony and carries with it a number of collateral consequences, including those that may affect employment, housing, jury service and the ability to possess a firearm. House Bill 2355 punishes possession of controlled substances as a Class A misdemeanor, unless the offense involves substantial quantities or is classified as a commercial drug offense. A person convicted of a Class A misdemeanor may be sentenced to probation, up to one year's imprisonment, a fine of up to \$6,250 or a combination of these punishments. Several statutes allow the district attorney, the court or both working together, to reduce certain possession crimes to a misdemeanor or to offer a conditional discharge. See ORS 161.570; 161.705; 475.245. House Bill 2355 retains this authority.

In 2001, the Legislative Assembly established the Law Enforcement Contacts Policy and Data Review Committee to ensure that law enforcement agencies perform their missions without inequitable or unlawful discrimination based on race, color or national origin. See ORS 131.906. The Committee is, among other tasks, directed to collect and analyze demographic data obtained from law enforcement, while providing information and assistance to these agencies and the communities they serve. More recently, the 2015 Legislative Assembly directed law enforcement agencies to adopt prohibitions on profiling, as well as a profiling complaint process that allows individuals to submit, and the Committee to forward, profiling-related complaints to a law enforcement agency for investigation.