

SB 248 -7 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/20

WHAT THE MEASURE DOES:

Authorizes use of pseudonym, initials or other signifier on indictment, in lieu of actual name of victim or witness. Requires that separate document containing name be simultaneously filed under seal, with copy provided to defendant within 10 days of filing, unless good cause is shown.

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:

-7 Limits ability to use pseudonym, initials or other signifier to indictments charging commission of sex crime. Requires that defendant be provided document containing names of witnesses and victim at time of arraignment, unless good cause for delay. Provides that separately filed document containing name of victim and witness is not public record.

BACKGROUND:

The Oregon Constitution requires that a felony prosecution be commenced in one of three ways: a person may be indicted by a grand jury, may be held to answer following a preliminary hearing before a magistrate or may consent to being charged by the district attorney. When a person is indicted, current law requires that the indictment include a statement of the acts constituting the offense and list the names of witnesses examined before the grand jury. Senate Bill 248 authorizes the use of a pseudonym, initials or other signifier, in lieu of the name of the victim and witnesses, in the indictment. When this occurs, Senate Bill 248 requires that a separate document containing the names be filed under seal and provided to the defendant within 10 days of filing, unless there is a good cause for delay.