

SB 16 STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Judiciary

Action Date: 03/09/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Prohibits Department of Corrections (DOC) facilitated dialogue or responsibility letter bank program (program) facilitators, advisory committee members and staff persons from being compelled to testify or produce evidence in any judicial or administrative proceeding, except by DOC rule. Exempts these persons from civil liability for acts or omissions related to program, except in certain circumstances. Provides that program communications are confidential and inadmissible as evidence in administrative, judicial or arbitration proceedings, except by DOC rule. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Explanation of purpose of the program
- Explanation of need for confidentiality

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Department of Corrections (DOC) currently operates a Facilitated Dialogue Program (program). This program provides a safe and structured environment for victims to discuss the crime and its impact with the inmates that victimized them. This program has been established through rulemaking (OAR 291-205-0010 through OAR 291-205-0110). Participants within this program are required to agree and abide by a Facilitated Dialogue Confidentiality Agreement.

Senate Bill 16 states that facilitated dialogue and responsibility letter banks can promote healing, justice and aid in rehabilitation. It creates a policy that program-related communications should be confidential and not used in administrative, judicial or arbitration proceedings, except by DOC rule. It specifies that facilitators, advisory committee members and staff persons cannot be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to these communications, except by DOC rule. SB 16 also provides immunity from civil liability for facilitators, advisory committee members and staff persons for acts or omissions that occur in connection with this program unless the act or omission was in bad faith, with malicious intent or in a manner that demonstrated a willful or wanton disregard for the rights, safety or property of another person. Finally, SB 16 provides that program communications are confidential and inadmissible as evidence in administrative, judicial or arbitration proceedings, except by DOC rule.