

HB 3077 A STAFF MEASURE SUMMARY

Carrier: Rep. Reschke

House Committee On Judiciary

Action Date: 04/14/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-1-1-0

Yeas: 9 - Barker, Gorsek, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

Nays: 1 - Greenlick

Exc: 1 - Sprenger

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Prohibits district attorney and defense lawyer from providing criminal discovery to defendant that includes victim's social media information or electronic mail address, in absence of court order. Allows law enforcement to electronically provide information to victim about victim's rights.

ISSUES DISCUSSED:

- Victim concern with retaliation and publication of private information
- Ability of court to order release when necessary for defense

EFFECT OF AMENDMENT:

Prohibits district attorney and defense lawyer from providing criminal discovery to defendant that includes victim's social media information or electronic mail address, in absence of court order.

BACKGROUND:

ORS 135.815 regulates the provision of a victim's "personal identifiers" in the criminal discovery process. That statute establishes a general rule that neither the district attorney nor the defense lawyer may, in the absence of a court order, provide to the defendant a victim's or a witnesses' address, telephone number, Social Security number, date of birth or credit or bank account information. House Bill 3077-A includes in this list of "personal identifiers" a victim's electronic mail address and identifying information associated with social media accounts. The bill also authorizes law enforcement agencies to provide electronic notifications to victims of crime.