

## HB 2238 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 04/14/17  
**Action:** Do pass with amendments  
and be referred to Ways and Means by prior reference. (Printed A-Eng.)  
**Vote:** 6-4-1-0  
**Yeas:** 6 - Barker, Gorsek, Greenlick, Lininger, Sanchez, Williamson  
**Nays:** 4 - Olson, Post, Stark, Vial  
**Exc:** 1 - Sprenger  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Josh Nasbe, Counsel

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#### WHAT THE MEASURE DOES:

Establishes Task Force on Public Safety to study pretrial security release, impact of criminal fines and fees and Justice Reinvestment Program. Repeals Task Force in January, 2023. Directs Criminal Justice Commission to prepare racial and ethnic impact statement on legislation and ballot measures related to crime, at request of legislator from each major political party. Includes statement pertaining to ballot measures in voters' pamphlet. Transfers obligation to produce racial and impact statements on legislation and ballot measures related to human services to Department of Human Services, pending January 2, 2018 repeal. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Existing Public Safety Task Force
- Justice Reinvestment, pretrial security release decisions in criminal cases; imposition of criminal fines and fees
- Scope of current obligation to prepare racial and ethnic impact statements; scheduled to sunset

#### EFFECT OF AMENDMENT:

Removes provisions related to the possession of controlled substances. Modifies process applicable to racial and ethnic impact statements by requiring written request from member of each political party on legislation or measure that is related to crime and likely to have an effect on the criminal justice system.

#### BACKGROUND:

Under current law, the Criminal Justice Commission (CJC) is required to prepare racial and ethnic impact statements, at the request of a legislator from each major political party, on any legislation or ballot measure that may impact the criminal offender population or recipients of human services. These tasks are scheduled to sunset on January 2, 2018. House Bill 2238-A makes several changes to this scheme. First, the bill narrows the scope of legislation and ballot measures about which the CJC is obligated to produce a racial and ethnic impact statement. Under the bill, the CJC's obligation will apply only to legislation and ballot measures that are related to crime and likely to have an impact on the criminal justice system. Second, the bill eliminates the January 2, 2018, sunset of these provisions, making this obligation permanent. Finally, the bill transfers the obligation to produce racial and ethnic impact statements on legislation and ballot measures related to human services to the Department of Human Services, while retaining the January 2, 2018 sunset of these provisions.

In 2013, the Legislative Assembly established the Task Force on Public Safety, consisting of four legislators, two members appointed by the Chief Justice of the Oregon Supreme Court and seven members appointed by the Governor. The Task Force was repealed on the date of the convening of the 2017 Legislative Assembly. House Bill 2238-A reconstitutes a similarly structured Task Force and directs it to study security release, with a focus on racial and ethnic disparities, the impact of criminal fines and fees and the Justice Reinvestment Program.