

HB 3077 A STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 05/11/17
Action: Do pass the A-Eng bill.
Vote: 4-0-1-0
Yeas: 4 - Dembrow, Manning Jr, Prozanski, Thatcher
Exc: 1 - Linthicum
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:

- Modern technology
- Protection of victims

EFFECT OF AMENDMENT:

No amendment.

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 a law enforcement agency to provide electronic notifications to a victim of crime, if the victim provides the law enforcement agency with a cell phone number or electronic mail address.