

Senate Bill 16

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Department of Corrections facilitated dialogue or responsibility letter bank program facilitator, advisory committee member or staff person from being compelled to testify or produce evidence concerning facilitated dialogue and responsibility letter bank program communications, except as provided by department rule.

Exempts program facilitators, advisory committee members and staff persons from civil liability related to program participation, except in specified circumstances.

Provides that program communications are confidential and inadmissible in subsequent judicial, administrative or arbitration proceeding, except as provided by department rule.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Department of Corrections restorative justice program communications; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. The Legislative Assembly finds and declares that:**

6 **(1) Restorative justice programs, including facilitated dialogues and responsibility letter**
7 **banks, can promote justice and healing for crime victims and survivors and can aid inmates**
8 **in the process of rehabilitation;**

9 **(2) A facilitated dialogue or responsibility letter bank program is most successful when**
10 **the participants are able to communicate openly and honestly about the crime and its im-**
11 **act, knowing that the participants' communication will not be disclosed to other people or**
12 **used against them later; and**

13 **(3) It is the policy and purpose of sections 1 to 3 of this 2017 Act that Department of**
14 **Corrections facilitated dialogue and responsibility letter bank program communications are**
15 **confidential, and should not be admissible in any administrative, judicial or arbitration pro-**
16 **ceeding, except pursuant to limited exceptions established by the Department of Corrections**
17 **by rule.**

18 **SECTION 2. As used in sections 1 to 3 of this 2017 Act, "facilitated dialogue and respon-**
19 **sibility letter bank program communications" means all communications by a victim, survi-**
20 **vor or inmate, or by a program facilitator, advisory committee member or staff person, that**
21 **are made in the course of or in connection with a facilitated dialogue or responsibility letter**
22 **bank program conducted pursuant to Department of Corrections rules. The communications**
23 **include but are not limited to:**

24 **(1) All memoranda, assessment and evaluation forms, documents and other materials,**
25 **including letters that are prepared for or submitted in connection with a facilitated dialogue;**

26 **(2) All communications, whether oral, written or recorded, made during the intake of a**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 case, during preparations for a facilitated dialogue, during any joint in-person meetings or
2 telephone calls, and during any post-dialogue meetings or conversations; and

3 (3) All materials or recordings submitted in connection with a responsibility letter bank
4 program by a victim, survivor or inmate or by another person on behalf of a victim, survivor
5 or inmate.

6 **SECTION 3.** (1) Facilitated dialogue and responsibility letter bank program facilitators,
7 advisory committee members and staff persons shall not be compelled to testify or produce
8 evidence in any judicial or administrative proceeding with respect to any facilitated dialogue
9 or responsibility letter bank program communication, except as required under rules estab-
10 lished pursuant to section 4 of this 2017 Act.

11 (2) Facilitated dialogue and responsibility letter bank program facilitators, advisory
12 committee members and staff persons are not civilly liable for any act or omission done or
13 made while engaged in efforts to assist a victim, survivor or inmate in the course of or in
14 connection with a facilitated dialogue or responsibility letter bank program conducted pur-
15 suant to rules adopted by the Department of Corrections, unless the facilitator, member or
16 person acted or made an omission in bad faith, with malicious intent or in a manner that
17 exhibited a willful or wanton disregard of the rights, safety or property of another person.

18 (3) Facilitated dialogue and responsibility letter bank program communications are con-
19 fidential and may not be disclosed to any other person, except as permitted under rules es-
20 tablished pursuant to section 4 of this 2017 Act.

21 (4) Facilitated dialogue and responsibility letter bank program communications are not
22 admissible as evidence in any subsequent administrative, judicial or arbitration proceeding,
23 except as permitted under rules established pursuant to section 4 of this 2017 Act.

24 **SECTION 4.** The Department of Corrections shall adopt rules to carry out the provisions
25 of sections 1 to 3 of this 2017 Act.

26 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
28 on its passage.

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