

HB 2480 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/1, 4/3

WHAT THE MEASURE DOES:

Creates an exception to the prohibition on recording communications when a person records a conversation during or regarding the commission of an offense against the person. Provides a hearsay exception for translation by a qualified interpreter. Expands venue for trial of two or more domestic violence offenses involving the same defendant and victim. Requires notice of intent to introduce evidence of insanity be provided at least 60 days before trial. Modifies provisions relating to prior convictions for felony sex crimes in other jurisdictions. Provides that a court shall order a person be held in custody pending evaluation upon receipt of a petition to initiate commitment proceedings of extremely dangerous person with mental illness. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Provides that a statement is not hearsay if it purports to be an interpretation from one language to another of an otherwise admissible statement and the interpreter testifies at trial.

BACKGROUND:

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. In *State v. Montoya-Franco*, decision, the Court of Appeals of Oregon held that an out-of-court translation of a non-English speaker's statements to a third party constitutes hearsay because the interpreter's translation constitutes an assertion of the English meaning of the original translation.

House Bill 2480 provides an exception to this rule when the interpreter is present at trial and subject to cross examination, allowing the underlying statement to be introduced as non-hearsay if it was otherwise admissible but for the interpretation of the statement.