

## **SB 577 -1, -2 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/12, 4/4

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#### **WHAT THE MEASURE DOES:**

Directs the Department of Justice to study the enforcement of laws relating to bias crimes.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-1 Replaces bill. Renames the crime of Intimidation to Bias Crime. Amends the crime of Intimidation to include gender identity to the class of persons against whom Intimidation can be committed under the statute. Defines gender identity. Requires the Oregon District Attorneys Association and Department of State Police to develop and implement a standardized method to record data relating to investigations, arrests, prosecutions, and sentencing of crimes motivated in whole or in part by bias of the actor. Removes current data collection requirements relating to characteristics outside those listed under the crime of intimidation statute in ORS 166.165.

Establishes a hate crimes hotline housed by the Department of Justice (DOJ) dedicated to assisting victims of bias crimes as defined by Senate Bill 577 and requires DOJ to forward data collected relating to hotline responses made to the Criminal Justice Commission (CJC) quarterly. Requires law enforcement to refer victims of bias crimes and offenses to the Department of Justice hotline if comparable local services are unavailable. Directs DOJ to create the position of Hate Crimes Coordinator to respond to hotline referrals in a culturally competent and trauma informed manner and train local non-governmental organizations on response methods. Directs the CJC to collect, record, and study data provided by required entities relating to bias motivated crimes. Requires the CJC to report its findings to the Oregon Legislature no later than July 1, 2021.

-2 Makes technical changes. Removes prohibition on data collected and provided to the Department of State Police from containing identifying information. Directs the Department of Justice to identify and designate victim services in local jurisdictions appropriate for referral of victims contacted by law enforcement.

#### **BACKGROUND:**

As currently written the crime of intimidation focuses on the the number of bad actors and their motives. This is a reflection of the heightened focus on white supremacists groups prevalent in the 1980's when the law was originally enacted. Senate Bill 577 proposes to shift the focus towards the nature of the harm and use and threat of violence in addition to the motives behind the crime of violence. Several provisions in SB 577 are designed to formalize definitions surrounding crimes of bias and intimidation to facilitate accurate data collection relating to them. The requirement that governmental and non-governmental agencies collect and provide data about contacts involving incidents of bias is intended to allow for the Criminal Justice Commission to analyze and provide an understanding of the scope of Oregon's bias crime prevalence.