

HB 2462 A STAFF MEASURE SUMMARY

Carrier: Rep. Lewis

House Committee On Judiciary

Action Date: 03/27/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/19, 3/27

WHAT THE MEASURE DOES:

Requires court, upon arraignment of defendant, to inform defendant that status as a servicemember may provide eligibility for treatment programs, specialty courts, or mitigated sentencing. Prohibits use of servicemember status as aggravating factor in determining defendant's sentence. Allows attorney for defendant to notify court of servicemember status.

ISSUES DISCUSSED:

- Servicemember includes active members of Armed Forces of the United States, reserve components of Armed Forces, and veterans of Armed Forces
- Programs for veterans in criminal justice system
- Number of veterans in criminal justice system
- Lack of information on options
- Focus of measure on servicemembers in court

EFFECT OF AMENDMENT:

Narrows measure. Removes provisions sealing record of defendant. Removes data report and study.

BACKGROUND:

In December 2018, over 1,600 Oregonians were serving on active duty in a branch of the armed services and over 9,000 served in a reserved status. In the United States, over 2.6 million individuals are currently serving in either active or reserve status. There are over 20 million veterans in the U.S., less than 10 percent of the population. A study in 2012 found that nine percent of Iraq and Afghanistan war veterans became involved in the criminal justice system upon returning home. Veterans of any age account for approximately eight percent of the prison and jail population.

House Bill 2462 A requires courts to inform defendants that servicemember status may make a defendant eligible for treatment programs, speciality courts, or mitigated sentencing. The measure allows the defendant to notify the court of the defendant's status as a servicemember and prohibits the use of status as a servicemember as an aggravating factor for sentencing purposes.