

## **SB 1546 -2, -3, -4, -5 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 2/5, 2/10

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

Relates to public safety. Establishes procedures for a District Attorney to provide notice to a defendant charged with certain misdemeanor crimes of domestic violence so the conviction will cause any state or federal firearm prohibition designation to be reflected on the defendant's criminal history record. Specifies procedures necessary for proving a qualifying relationship between defendant and victim that will cause a conviction to be documented on a defendant's criminal history as prohibiting possession of firearms under state or federal law. Requires a court or jury find a qualifying relationship beyond a reasonable doubt and directs court to enter order prohibiting defendant from possession firearms under state and federal law if conviction includes such finding. Directs court to provide determination and order to Department of State Police and county sheriff for entry into databases in a manner that identifies any state or federal prohibitions established by order. Shifts duty to receive complaints alleging law enforcement profiling from Law Enforcement Contacts Policy and Data Review Committee to Oregon Criminal Justice Commission. Exempts from definition of commercial motor vehicle emergency vehicles operated by police officers. Removes the detention timelines for youth subject to waiver hearings and replaces them with mandatory 30-day status hearings. Allows for any youth to waive their detention hearing or status hearing. Clarifies that the venue for a youth subject to a waiver hearing is the county where the alleged act was committed, unless and until the waiver to adult court is denied. Clarifies that a youth may be placed in the custody of the Oregon Youth Authority up until age 20 if the act was committed prior to age 18, with some exceptions.

#### **ISSUES DISCUSSED:**

- Firearms prohibitions are triggered in crimes where certain familial relationships exists
- Nuanced relationship between federal and state definitions of domestic violence
- No clear indication in current documentation of case or criminal history if person is prohibited from possessing firearms after misdemeanor convictions of domestic violence
- Goal to provide effective notice to defendant, clear findings for court record, and accurate computer criminal history

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

- 2 Makes technical changes to procedures relating to firearm prohibitions.
- 3 Makes technical amendments to the juvenile portions of the bill
- 4 Modifies process for law enforcement psychological screening. Allows a person who has been previously employed as a corrections officer by an agency to forgo new psychological screening if person has completed prior similar psychological screening conducted by a licensed mental health professional and will be employed by same agency.
- 5 Consolidates the -2 and -3 amendments. Adds an emergency clause to portions of the measure relating to juvenile proceedings.

**BACKGROUND:**

Senate Bill 1546 is an omnibus bill relating to public safety. It has \_\_\_ components.

First, SB 1546 modifies the process when persons who have been convicted of a qualifying misdemeanor against a family member are prohibited from possessing firearms or ammunition under Oregon and Federal law. ORS 166.255(3)(f) defines a qualifying misdemeanor as one that includes use of physical force, attempted use of physical force, or the threatened use of a deadly weapon. Federal statute 18 USCS § 921 similarly prohibits individuals convicted of a "misdemeanor crime of domestic violence" from possessing firearms. No procedural mechanism currently exists to document on a computerized criminal history (CCH) when an individual has been convicted of a crime involving domestic violence, and which, if any, firearm prohibition is satisfied by the conviction.

Sections 1 - X of SB 1546 creates a process to identify and record on an individual CCH when a conviction satisfies either the Oregon or Federal prohibitions on possession of firearms.

Second, In 2019, the Assembly approved transferring the responsibilities of the Criminal Justice Policy Research Institute's Law Enforcement Contacts Policy & Data Review Committee from Portland State University to the Criminal Justice Commission, thereby consolidating both quantitative and qualitative data collection on traffic and pedestrian stops in one state agency.

Section Y of SB 1546 conforms statutory language to reflect the change in reporting requirements resulting from the transfer of the responsibilities.

Third, ORS 801.208 exempts firefighters from needing a commercial drivers license (CDL) when operating an emergency fire vehicle. However, no such exemption exists for police officers operating emergency vehicles requiring operators to hold a CDL by statute.

Section Z of SB 1546 amends the definition of commercial motor vehicles to exempt emergency vehicles when being operated by police officers.

Finally, in 2019, the Assembly enacted SB 1008, which created significant changes in the way that youth who commit Measure 11 crimes are treated in the juvenile and criminal justice systems. Specifically, it ended the automatic prosecution of 15-, 16- and 17-year-olds as adults for Measure 11 offenses, authorized conditional release hearings for youth offenders under specified circumstances, and prohibited the imposition of a life sentence on youth offenders. After SB 1008's passage, the Office of Governor Kate Brown convened an implementation workgroup. That work group included representatives from the Oregon Youth Authority, Department of Corrections, Youth Development Council, Oregon District Attorney's Association, Oregon Criminal Defense Lawyers Association, the Oregon Judicial Department, and the Oregon Juvenile Department Directors Association among others. As part of its charge, the group examined whether any legislative changes were necessary to better support the implementation of SB 1008.

Sections A, B, and C of SB 1546 are a product of that process. Those sections modifies the venue, detention hearings, and OYA placement provisions of the juvenile code.