

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2020 Regular Session
Legislative Fiscal Office

Measure: SB 1546 - 5

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Meg Bushman-Reinhold
Reviewed by: John Borden, Gregory Jolivet, Julie Neburka, Ken Rocco
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Measure Description:

Specifies procedures for providing notice to defendant in charging instrument and at arraignment when conviction would result in firearm prohibition.

Government Unit(s) Affected:

Oregon Youth Authority (OYA), District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Oregon State Police (OSP), Department of Justice (DOJ), Counties, Cities

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

SB 1546 with the -5 amendment is an omnibus bill on public safety.

Notice of Firearms Prohibition

The bill outlines the notice and process requirements for firearms prohibitions resulting from convictions for qualifying misdemeanors and for convictions for stalking.

It requires that the district attorney (DA) allege the relationship in the indictment for a qualifying misdemeanor. When the DA is charging the defendant with either a qualifying misdemeanor and qualifying relationship or stalking, then the DA must notify the defendant of the firearms prohibition at arraignment or at least 45 days prior to trial or entry of a guilty plea. The Department of Justice, in consultation with the State Court Administrator, will develop the forms used to provide notice.

The bill lists the ways that the relationship between the defendant and the victim can be established, either by the defendant stipulating to the relationship, the DA proving the relationship after a guilty plea, or by the DA proving the relationship at trial.

If the relationship is established and the defendant either pleads guilty or is convicted of a qualifying misdemeanor, or of stalking, then the court shall make a written determination of the relationship. The court shall enter an order prohibiting the defendant from possession of firearms or ammunition. The court shall inform the defendant that the Oregon State Police (OSP) and the county sheriff will be notified of the order. The court shall transmit the order to OSP and the county sheriff. OSP and the county sheriff shall enter the order into the relevant databases. The State Court Administrator shall develop forms for the determination and order.

Detention Review Hearings

SB 1546 with the -5 amendment changes the effectiveness of the normal restrictions on detention duration for youths held in detention as stated in ORS 419C.150. The bill makes an exception to those time limits in cases where the state has filed a motion requesting a waiver to adult court, and that motion has not been resolved, and the court continues to hold detention review hearings as required and determines that detention should continue. The time limits to detention of a youth become effective again after a court considering a motion for waiver to adult court has either denied that motion for a waiver hearing or has issued an order denying waiver.

Detention can still be extended beyond the expiration of the time limit if expressly agreed to by the youth and if the court holds the required review hearings and determines that detention should continue.

Waiver

SB 1546 with the -5 amendment makes a change to venue rules in juvenile cases that are subject to a waiver hearing. In these cases, the case must only start in the county where the alleged conduct occurred and cannot be transferred unless/until the court declines to waive the case to adult court or the state stipulates that it will not request a waiver hearing.

Police Officers

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. This bill amends the definition of commercial motor vehicles to exempt emergency vehicles when being operated by police officers.

Oregon State Police

This bill has a fiscal impact of \$115,000 General Fund for the Oregon State Police (OSP) to allow them to modify the Law Enforcement Data System (LEDS) to accommodate the entry of court orders relating to the prohibition on possessing firearms and ammunition as outlined in the bill.

Oregon Judicial Department, Department of Justice, Oregon Youth Authority and District Attorney's and their Deputies

This bill will have a minimal fiscal impact on the Oregon Judicial Department, the Department of Justice, Oregon Youth Authority, and District Attorney's and their Deputies.

Cities and Counties

This bill is not anticipated to have an impact on cities and counties.