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81st LEGISLATIVE ASSEMBLY
SENATE INTERIM COMMITTEE ON JUDICIARY

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Date: January 11, 2022

To: Members of the Senate Interim Committee on Judiciary and Measure 110 Implementation

From: Committee Staff

Re: Committee drafts for introduction on Wednesday, January 12, 2022

LC 94 requires police officer to inform stopped person of right to refuse consent to search and, if consent is obtained, requires the officer to obtain written, video or audio record that the person gave consent to search. Prohibits a police officer to initiate a traffic stop based solely on certain traffic violations. Requires parole and probation officers to receive continuing education in trauma-informed care, culturally specific services, and de-escalation tactics. Modifies general conditions of probation and post-prison supervision. Directs Department of Corrections, in collaboration with specified organizations, to adopt rules concerning supervision reporting standards using evidence-based practices. Requires adopted reporting process to be the least disruptive, avoid unnecessary hardships, offer a broad array of reporting options, and focus on the success of the person on supervision.

Appropriates to the Oregon Criminal Justice Commission, for the biennium ending June 30, 2023, \$10,000,000 out of the General Fund, for distribution to the Northwest Health Foundation II for Justice Reinvestment Equity Program for distribution to culturally specific organizations and culturally responsive service providers. Defines culturally specific organization and culturally responsive service provider. Directs commission to collect data on expenditure of Justice Reinvestment Program and Justice Reinvestment Equity Program funds and report on data to Legislative Assembly. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate. Extends sunset of certain House Bill 3194 (2013) provisions, consisting of Justice Reinvestment Program, sentencing reductions and limitations and reentry court, from July 1, 2023, to July 1, 2024. Declares emergency, effective on passage.

LC 98 Creates a process by which a person convicted or found guilty except for insanity by nonunanimous jury verdict may file a petition for postconviction relief within one year of effective date of Act. Specifies evidentiary requirements to prove verdict was nonunanimous. Sunsets on January 1, 2025.

Authorizes district attorney to charge reasonable reimbursement fee for cost of providing copies of discovery materials in criminal case. Takes effect on 91st day following adjournment sine die.

LC 112 restricts consideration of criminal convictions to deny, suspend or revoke an occupational or professional license unless substantially related to the duties of the occupation or profession, and it provides criteria to determine whether a substantial relationship exists. The measure establishes a process for requesting a determination of whether a person's criminal conviction will result in the denial of a license. The measure prohibits employer inquiries into juvenile court records, except for those employers, agencies or licensing boards explicitly authorized by law to consider juvenile case history or the case history relates to juvenile adjudications for crimes listed in ORS 137.707(4). It bars the use of juvenile court records to disqualify a person from public office, or from an occupation, profession or other lawful activity unless otherwise authorized by law. The measure requires disclosure of and access to certain juvenile case information to a crime victim but removes permission to disclose the information to the general public.