

SB 234 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/8, 5/4

WHAT THE MEASURE DOES:

Authorizes the Chief Justice and the Oregon State Bar to make rules related to gathering and analyzing demographic information they may obtain from parties and other persons. Provides that rules may require the courts or Oregon State Bar to maintain confidentiality of the information when federal law does not mandate the information be made public. Exempts personal and demographic information from disclosure under Oregon's public records laws, when made confidential by rule. Allows data to be reported in aggregate form that does not identify any individual person.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 20; Nays, 10

ISSUES DISCUSSED:

- Mistrust in the justice system
- Identification of race, ethnicity, gender, disability and other disparities in the justice system
- History and membership of Oregon Supreme Court Council on Inclusion and Fairness
- 2020 joint resolution of Conference of Chief Justices and Conference of State Court Administrators
- Data collection methods to be based in part on Oregon Health Authority's REALD program
- Need statutory authority to ensure privacy protection for data
- Current data collection in specialty courts has federal privacy requirements
- Make aggregate data available to the public

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's state courts and the Oregon State Bar are at times required or requested to provide or use statistical information, including demographic data, about the people they serve or interact with. Programs to increase equity and fairness rely on accurate information about individuals. Courts' information about participants' demographics in criminal proceedings is currently often sourced from law enforcement observations. The Oregon Supreme Court Council on Inclusion and Fairness recommended that the Oregon Judicial Department develop and implement a policy to collect, retain, and use demographic data, and this bill is related to that effort.

Senate Bill 234 permits the Chief Justice of the Oregon Supreme Court and the Oregon State Bar to make rules regarding the collection, use, and confidentiality of participants' demographic information.