

SB 317 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 02/20/23

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/8, 2/20

WHAT THE MEASURE DOES:

Provides that requirement that certain hearsay statements of unavailable witnesses concerning acts of abuse be supported by corroborative evidence applies in juvenile delinquency proceedings. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Mirrors rules for adult cases
- Court case interpreting application of evidence rule
- Development of proposal

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon Evidence Code (OEC) 803(18a)(b) allows into evidence hearsay statements of abuse by some people who are not available to testify. There are further requirements, including corroboration evidence, for it to be admissible “in a criminal trial.” In *State v. R. J. S.*, 318 Or App 351 (2022), the Court of Appeals held that “in a criminal trial,” for purposes of OEC 803(18a)(b), did not include juvenile delinquency cases.

Senate Bill 317 amends ORS 40.460 to state that the rule requiring corroboration evidence for certain hearsay statements to be admitted applies in juvenile delinquency cases.