

House Bill 2133

Sponsored by Representative MANNIX (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires district attorney offices to develop victims' rights form and to provide form to all victims upon initiation of prosecution.

A BILL FOR AN ACT

1
2 Relating to the rights of crime victims; amending ORS 147.417.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 147.417 is amended to read:

5 147.417. (1) As soon as is reasonably practicable in a criminal action in which there is a victim,
6 a law enforcement agency shall notify a person who reasonably appears to be a victim of the offense
7 of the person's rights under section 42, Article I of the Oregon Constitution. The notice may be oral
8 or written and written notice may be provided electronically. If exercise of any of the rights depends
9 upon the victim making a request, the law enforcement agency shall include in the notice the time
10 period in which the victim is required to make the request. A law enforcement agency satisfies the
11 requirements of this *[section]* **subsection** if the law enforcement agency:

12 (a) Provides notice to the victim named in the accusatory instrument, the victim's guardian or,
13 in a homicide case, the victim's next of kin; and

14 (b) Presents, if written notice is given, the notice directly to the victim, sends the notice to the
15 last address given to the law enforcement agency by the victim or sends the notice electronically
16 to the cellular phone number or electronic mail address given to the law enforcement agency by the
17 victim.

18 **(2)(a) All district attorney offices shall develop a form containing information concerning**
19 **all rights of a victim under the Oregon Constitution and statutory law. The form may be**
20 **developed in cooperation with other district attorney offices and must be translated into and**
21 **made available in at least Spanish and Russian.**

22 **(b) Upon initiating a prosecution, the district attorney shall provide each victim with a**
23 **copy of the form described in paragraph (a) of this subsection. The form must be provided**
24 **to a victim notwithstanding the fact that notification occurred pursuant to subsection (1)**
25 **of this section.**

26 *[(2)]* **(3) Failure by a law enforcement agency to properly notify the victim as required by sub-**
27 **section (1) of this section, or the failure of a district attorney to provide to the victim the**
28 **form described in subsection (2) of this section:**

29 (a) Is not grounds for setting aside a conviction.

30 (b) Does not affect the validity of a plea, except as provided by section 42 or 43, Article I of the
31 Oregon Constitution.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ~~[(3)]~~ (4) Nothing in subsection ~~[(2)]~~ (3) of this section justifies a failure to properly notify the
2 victim.

3 ~~[(4)(a)]~~ (5) As used in this section, “law enforcement agency” means the police agency that ini-
4 tially responds in the case, the police agency that investigates the case or the district attorney who
5 prosecutes the case.

6 ~~[(b)]~~ *The district attorney shall determine if the notice required by this section has been given and,*
7 *if not, shall provide the notice.*

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