

House Bill 3443

Sponsored by Representative PHAM K, Senators MANNING JR, JAMA; Representatives MCLAIN, NELSON, Senators CAMPOS, DEMBROW, STEINER (at the request of Attorney General Ellen F. Rosenblum)

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**.

Prohibits landlords from terminating lease or taking other specified actions due to status of tenant as victim of bias crime. Establishes process for victim of bias crime to be released from lease without penalty.

Provides that release assistance officer and court enter order prohibiting defendant charged with crime involving bias from contacting victim.

Provides that information reported to hate crimes hotline that might reveal identity of individual is confidential.

Provides that victims of bias crime in the first degree must be consulted during plea negotiations.

Expands Address Confidentiality Program to include victims of bias.

Expands eligibility for protected leave to bias crime victims.

Provides that Department of Justice employee who staffs hate crimes hotline is eligible to request that records kept by Department of Transportation contain employer address instead of home address.

Directs Department of Justice to develop and deliver training program for district attorney victim assistance programs to assist with providing services to bias crime victims.

A BILL FOR AN ACT

Relating to occurrences of bias; creating new provisions; and amending ORS 90.449, 90.453, 90.456, 105.137, 135.247, 147.380, 147.512, 192.820, 192.822, 192.826, 659A.270, 659A.272, 659A.280, 659A.283, 659A.290 and 802.250.

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

RENTER PROTECTIONS FOR BIAS CRIME VICTIMS

SECTION 1. ORS 90.449 is amended to read:

90.449. (1) A landlord may not terminate or fail to renew a tenancy, serve a notice to terminate a tenancy, bring or threaten to bring an action for possession, increase rent, decrease services or refuse to enter into a rental agreement:

(a) Because a tenant or applicant is, or has been, a victim of domestic violence, sexual assault, **bias crime** or stalking.

(b) Because of a violation of the rental agreement or a provision of this chapter, if the violation consists of an incident of domestic violence, sexual assault, **bias crime** or stalking committed against the tenant or applicant.

(c) Because of criminal activity relating to domestic violence, sexual assault, **bias crime** or stalking in which the tenant or applicant is the victim, or of any police or emergency response related to domestic violence, sexual assault, **bias crime** or stalking in which the tenant or applicant is the victim.

(2) A landlord may not impose different rules, conditions or standards or selectively enforce

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 rules, conditions or standards against a tenant or applicant on the basis that the tenant or applicant
 2 is or has been a victim of domestic violence, sexual assault, **bias crime** or stalking.

3 (3) Notwithstanding subsections (1) and (2) of this section, a landlord may terminate the tenancy
 4 of a victim of domestic violence, sexual assault or stalking if the landlord has previously given the
 5 tenant a written warning regarding the conduct of the perpetrator relating to domestic violence,
 6 sexual assault or stalking and:

7 (a) The tenant permits or consents to the perpetrator’s presence on the premises and the
 8 perpetrator is an actual and imminent threat to the safety of persons on the premises other than the
 9 victim; or

10 (b) The perpetrator is an unauthorized occupant and the tenant permits or consents to the
 11 perpetrator living in the dwelling unit without the permission of the landlord.

12 (4) If a landlord violates this section:

13 (a) A tenant or applicant may recover up to two months’ periodic rent or twice the actual
 14 damages sustained by the tenant or applicant, whichever is greater;

15 (b) The tenant has a defense to an action for possession by the landlord; and

16 (c) The applicant may obtain injunctive relief to gain possession of the dwelling unit.

17 (5) Notwithstanding ORS 105.137 (4), if a tenant asserts a successful defense under subsection
 18 (4) of this section to an action for possession, the tenant is not entitled to prevailing party fees,
 19 attorney fees or costs and disbursements if the landlord:

20 (a) Did not know, and did not have reasonable cause to know, at the time of commencing the
 21 action that a violation or incident on which the action was based was related to domestic violence,
 22 sexual assault, **bias crime** or stalking; and

23 (b) Promptly dismissed tenants other than the perpetrator from the action upon becoming aware
 24 that the violation or incident on which the action was based was related to domestic violence, sex-
 25 ual assault, **bias crime** or stalking.

26 (6) **As used in this section, “bias crime” has the meaning given that term in ORS 147.380.**

27 **SECTION 2.** ORS 90.453 is amended to read:

28 90.453. (1) As used in this section:

29 (a) **“Bias crime” has the meaning given that term in ORS 147.380.**

30 [(a)] (b) “Immediate family member” means, with regard to a tenant who is a victim of domestic
 31 violence, sexual assault, **bias crime** or stalking, any of the following who is not a perpetrator of the
 32 domestic violence, sexual assault, **bias crime** or stalking against the tenant:

33 (A) An adult person related by blood, adoption, marriage or domestic partnership, as defined in
 34 ORS 106.310, or as defined or described in similar law in another jurisdiction;

35 (B) A cohabitant in an intimate relationship;

36 (C) An unmarried parent of a joint child; or

37 (D) A child, grandchild, foster child, ward or guardian of the victim or of anyone listed in sub-
 38 paragraph (A), (B) or (C) of this paragraph.

39 [(b)] (c) “Qualified third party” means a person that has had individual contact with the tenant
 40 and is a law enforcement officer, attorney or licensed health professional, **an employee of the**
 41 **Department of Justice division providing victim and survivor services** or [is] a victim’s advo-
 42 cate at a victim services provider.

43 [(c)] (d) “Verification” means:

44 (A) A copy of a valid order of protection issued by a court pursuant to ORS 30.866, 107.095 (1)(c),
 45 107.716, 107.718, 107.725, 107.730, 163.738, 163.765, 163.767 or 163.775 or any other federal, state, lo-

1 cal or tribal court order that restrains a person from contact with the tenant;

2 (B) A copy of a federal agency or state, local or tribal police report regarding an act of domestic
3 violence, sexual assault, **bias crime** or stalking against the tenant;

4 (C) A copy of a conviction of any person for an act of domestic violence, sexual assault, **bias**
5 **crime** or stalking against the tenant; or

6 (D) A statement substantially in the form set forth in subsection (3) of this section.

7 [(d)] (e) "Victim services provider" means:

8 (A) A nonprofit agency or program receiving moneys administered by the Department of Human
9 Services or the Department of Justice that offers safety planning, counseling, support or advocacy
10 to victims of domestic violence, sexual assault, **bias crime** or stalking; or

11 (B) A prosecution-based victim assistance program or unit.

12 (2)(a) If a tenant gives a landlord at least 14 days' written notice, and the notice so requests,
13 the landlord shall release the tenant and any immediate family member of the tenant from the rental
14 agreement.

15 (b) The notice given by the tenant must specify the release date and must list the names of any
16 immediate family members to be released in addition to the tenant.

17 (c) The notice must be accompanied by verification that the tenant:

18 (A) Is protected by a valid order of protection; or

19 (B) Has been the victim of domestic violence, sexual assault, **bias crime** or stalking within the
20 90 days preceding the date of the notice. For purposes of this subparagraph, any time the
21 perpetrator was incarcerated or residing more than 100 miles from the victim's home does not count
22 as part of the 90-day period.

23 (3) A verification statement must be signed by the tenant and the qualified third party and be
24 in substantially the following form:

25 _____

26
27 QUALIFIED THIRD PARTY
28 VERIFICATION

29
30 _____

31 Name of qualified third party

32
33 _____

34 Name of tenant

35
36 PART 1. STATEMENT BY TENANT

37
38 I, _____ (Name of tenant), do hereby state as follows:

39
40 (A) I or a minor member of my household have been a victim of domestic violence, sexual assault
41 or stalking, as those terms are defined in ORS 90.100, **or of a bias crime as defined in ORS**
42 **90.453.**

43
44 (B) The most recent incident(s) that I rely on in support of this statement occurred on the fol-
45 lowing date(s): _____.

1 _____ The time since the most recent incident took place is less than 90 days; or

2

3 _____ The time since the most recent incident took place is less than 90 days if periods when the
4 perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The
5 perpetrator was incarcerated from _____ to _____. The perpetrator
6 lived more than 100 miles from my home from _____ to _____.

7

8 (C) I hereby declare that the above statement is true to the best of my knowledge and belief,
9 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

10

11 _____

12 (Signature of tenant)

13 Date: _____

14

15 PART 2. STATEMENT BY QUALIFIED THIRD PARTY

16

17 I, _____ (Name of qualified third party), do hereby verify as follows:

18

19 (A) I am a law enforcement officer, attorney or licensed health professional or a victim's advo-
20 cate with a victims services provider, as defined in ORS 90.453.

21

22 (B) My name, business address and business telephone are as follows:

23 _____

24 _____

25 _____

26

27 (C) The person who signed the statement above has informed me that the person or a minor
28 member of the person's household is a victim of domestic violence, sexual assault, **bias crime** or
29 stalking, based on incidents that occurred on the dates listed above.

30

31 (D) I reasonably believe the statement of the person above that the person or a minor member
32 of the person's household is a victim of domestic violence, sexual assault or stalking, as those terms
33 are defined in ORS 90.100, **or of a bias crime as defined in ORS 90.453**. I understand that the
34 person who made the statement may use this document as a basis for gaining a release from the
35 rental agreement with the person's landlord.

36

37 I hereby declare that the above statement is true to the best of my knowledge and belief, and
38 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

39

40 _____

41 (Signature of qualified third party

42 making this statement)

43 Date: _____

44 _____

45

1 (4) A tenant and any immediate family member who is released from a rental agreement pursu-
2 ant to subsection (2) of this section:

3 (a) Is not liable for rent or damages to the dwelling unit incurred after the release date; and

4 (b) Is not subject to any fee solely because of termination of the rental agreement.

5 (5) Notwithstanding the release from a rental agreement of a tenant who is a victim of domestic
6 violence, sexual assault, **bias crime** or stalking and any tenant who is an immediate family member
7 of that tenant, other tenants remain subject to the rental agreement.

8 (6) A landlord may not disclose any information provided by a tenant under this section to a
9 third party unless the disclosure is:

10 (a) Consented to in writing by the tenant;

11 (b) Required for use in an eviction proceeding;

12 (c) Made to a qualified third party; or

13 (d) Required by law.

14 (7) The provision of a verification statement under subsection (2) of this section does not waive
15 the confidential or privileged nature of a communication between the victim of domestic violence,
16 sexual assault, **bias crime** or stalking and a qualified third party.

17 **SECTION 3.** ORS 90.456 is amended to read:

18 90.456. Notwithstanding the release of a tenant who is a victim of domestic violence, sexual
19 assault, **bias crime** or stalking, and any immediate family members of that tenant, from a rental
20 agreement under ORS 90.453 or the exclusion of a perpetrator of domestic violence, sexual assault
21 or stalking as provided in ORS 90.459 or 105.128, if there are any remaining tenants of the dwelling
22 unit, the tenancy shall continue for those tenants. Any fee, security deposit or prepaid rent paid by
23 the victim, perpetrator or other tenants shall be applied, accounted for or refunded by the landlord
24 following termination of the tenancy and delivery of possession by the remaining tenants as provided
25 in ORS 90.300 and 90.302.

26 **SECTION 4.** ORS 105.137 is amended to read:

27 105.137. In the case of a dwelling unit to which ORS chapter 90 applies:

28 (1) If the plaintiff appears and the defendant fails to appear at the first appearance, a default
29 judgment shall be entered in favor of the plaintiff for possession of the premises and costs and dis-
30 bursements.

31 (2) If the defendant appears and the plaintiff fails to appear at the first appearance, a default
32 judgment shall be entered in favor of the defendant dismissing the plaintiff's complaint and awarding
33 costs and disbursements.

34 (3) An attorney at law shall be entitled to appear on behalf of any party, but attorney fees may
35 not be awarded to the plaintiff if the defendant does not contest the action.

36 (4) If the plaintiff dismisses the action before the first appearance, a judgment of dismissal shall
37 be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and
38 disbursements. The defendant may not recover attorney fees for prejudgment legal services provided
39 after the delivery of written notice of the dismissal by the plaintiff to the defendant, or to an at-
40 torney for the defendant, in the manner provided under ORS 90.155.

41 (5) The plaintiff or an agent of the plaintiff may obtain a continuance of the action for as long
42 as the plaintiff or the agent of the plaintiff deems necessary to obtain the services of an attorney
43 at law.

44 (6) If both parties appear in court on the date contained in the summons, the court shall set the
45 matter for trial as soon as practicable, unless the court is advised by the parties that the matter

1 has been settled. The trial shall be scheduled no later than 15 days from the date of such appear-
2 ance. If the matter is not tried within the 15-day period, and the delay in trial is not attributable
3 to the landlord, the court shall order the defendant to pay rent that is accruing into court, provided
4 the court finds after hearing that entry of such an order is just and equitable.

5 (7)(a) The court shall permit an unrepresented defendant to proceed to trial by directing the
6 defendant to file an answer in writing on a form which shall be available from the court clerk, and
7 to serve a copy upon the plaintiff on the same day as first appearance.

8 (b) The answer shall be in substantially the following form:
9 _____

10
11 IN THE _____ COURT FOR
12 THE COUNTY OF _____
13

14 (Landlord),)
15)
16 Plaintiff(s),)
17)
18 vs.) No. _____
19)
20 (Tenant),)
21)
22 Defendant(s).)
23

24 ANSWER

25 I (we) deny that the plaintiff(s) is (are) entitled to possession because:

26 ___ The landlord did not make repairs.

27 List any repair problems: _____
28 _____
29 _____

30 ___ The landlord is attempting to evict me (us) because of my (our) complaints (or the eviction is
31 otherwise retaliatory).

32 ___ The landlord is attempting to evict me because of my status as a victim of domestic violence,
33 sexual assault, **bias crime** or stalking.

34 ___ The eviction notice is wrong.

35 ___ List any other defenses: _____
36 _____
37 _____
38 _____
39 _____

40 I (we) may be entitled as the prevailing party to recover attorney fees from plaintiff(s) if I (we)
41 obtain legal services to defend this action pursuant to ORS 90.255.

42 I (we) ask that the plaintiff(s) not be awarded possession of the premises and that I (we) be
43 awarded my (our) costs and disbursements and attorney fees, if applicable, or a prevailing party fee.
44 _____
45 _____

1 Date Signature of defendant(s)

2
3
4 (8) If an unrepresented defendant files an answer as provided in subsection (7) of this section,
5 the answer may not limit the defenses available to the defendant at trial under ORS chapter 90. If
6 such a defendant seeks to assert at trial a defense not fairly raised by the answer, the plaintiff shall
7 be entitled to a reasonable continuance for the purposes of preparing to meet the defense.

8
9 **NO CONTACT ORDERS IN BIAS PROSECUTIONS**

10
11 **SECTION 5.** ORS 135.247 is amended to read:

12 135.247. (1) When a release assistance officer makes a release decision under ORS 135.235 in-
13 volving a defendant charged with a sex crime, **a crime involving bias** or a crime constituting do-
14 mestic violence, the release assistance officer shall include in the decision an order that the
15 defendant be prohibited from contacting or attempting to contact the victim, either directly or
16 through a third party, while the defendant is in custody. The release assistance officer shall provide
17 the defendant with a written copy of the order.

18 (2) When a defendant who is charged with a sex crime, **a crime involving bias** or a crime that
19 constitutes domestic violence is arraigned, the court shall enter an order continuing an order issued
20 under subsection (1) of this section or, if no such order has been entered, enter an order prohibiting
21 the defendant from contacting or attempting to contact the victim, either directly or through a third
22 party, while the defendant is in custody.

23 (3) Except as provided in subsection (4) of this section, an order described in subsection (1) or
24 (2) of this section:

25 (a) Shall apply at any time during which the defendant is held in custody on the charge; and

26 (b) Shall remain valid until the defendant is sentenced for the crime, the charge is dismissed or
27 the defendant is acquitted of the crime.

28 (4) Upon petition of the victim, the court may enter an order terminating an order entered under
29 subsection (1) or (2) of this section if the court finds, after a hearing on the petition, that termi-
30 nating the order is in the best interests of the parties and the community.

31 (5) An order described in subsection (1) or (2) of this section shall not limit contact with the
32 victim by the defense attorney, or an agent of the defense attorney other than the defendant, in the
33 manner prescribed by ORS 135.970 (2).

34 (6) As used in this section:

35 (a) **“Crime involving bias” means intimidation by display of a noose under ORS 163.191,**
36 **bias crime in the second degree under ORS 166.155 or bias crime in the first degree under**
37 **ORS 166.165.**

38 [(a)] (b) “Domestic violence” has the meaning given that term in ORS 135.230.

39 [(b)] (c) “Sex crime” has the meaning given that term in ORS 163A.005.

40
41 **HOTLINE CONFIDENTIALITY**

42
43 **SECTION 6.** ORS 147.380 is amended to read:

44 147.380. (1) As used in this section:

45 (a) “Bias crime” means the commission, attempted commission or alleged commission of an of-

1 fense described in ORS 166.155 or 166.165.

2 (b) "Bias incident" means a person's hostile expression of animus toward another person, relat-
3 ing to the other person's perceived race, color, religion, gender identity, sexual orientation, disabil-
4 ity or national origin, of which criminal investigation or prosecution is impossible or inappropriate.
5 "Bias incident" does not include any incident in which probable cause of the commission of a crime
6 is established by the investigating law enforcement officer.

7 (c) "Hate crimes hotline" means the telephone hotline established by the Department of Justice
8 under subsection (3) of this section.

9 (d) "Local victims' services" means services provided to a victim of a bias crime or bias incident,
10 including but not limited to safety planning, trauma management and data reporting, by an entity
11 located in the same geographic area as the law enforcement agency that responds to the bias crime
12 or bias incident.

13 (2)(a) A law enforcement agency that responds to a report of a bias incident shall refer the
14 victim of the bias incident to qualifying local victims' services.

15 (b) The Department of Justice shall by rule designate qualifying local victims' services.

16 (c) If qualifying local victims' services are unavailable, the law enforcement agency shall refer
17 the victim of the bias incident to the hate crimes hotline.

18 (3) The Department of Justice shall establish a staffed hate crimes telephone hotline dedicated
19 to assisting the victims of bias crimes and bias incidents.

20 (4) There is created in the Department of Justice the position of Hate Crimes Response Coor-
21 dinator. The Hate Crimes Response Coordinator shall:

22 (a) Respond to all reports of bias crimes and bias incidents made to the hate crimes hotline.

23 (b) Provide assistance to victims of bias crimes and bias incidents that is culturally competent
24 and designed to reduce the effects of trauma, prevent further trauma and reach a diverse commu-
25 nity.

26 (c) Assist with safety planning for victims of bias crimes and bias incidents.

27 (d) Coordinate with local nongovernmental organizations and service providers in assisting vic-
28 tims of bias crimes and bias incidents.

29 (e) Develop training for nongovernmental organizations and service providers to standardize
30 methods for assisting victims of bias crimes and bias incidents.

31 (5)(a) The Department of Justice shall:

32 (A) In coordination with the Oregon Criminal Justice Commission, develop a standardized intake
33 process for all reports of bias crimes and bias incidents made to the department.

34 (B) Collect all data possible concerning the character, location and impacted protected class of
35 any bias crime or bias incident reported to the department.

36 (C) Report to the commission continually and at least quarterly all data collected pursuant to
37 this subsection.

38 (b) The data reported to the commission under this subsection may not contain information that
39 [reveals] **might reveal** the identity of any individual.

40 (6) Any data collected by the Department of Justice under this section that [reveals] **might re-**
41 **veal** the identity of any individual is exempt from public disclosure.

42 (7) The Department of Justice may adopt rules to carry out the provisions of this section.

43
44 **BIAS CRIME VICTIM TO BE CONSULTED**
45 **DURING PLEA NEGOTIATIONS**

SECTION 7. ORS 147.512 is amended to read:

147.512. (1) Notwithstanding ORS 147.510, at the beginning of each judicial settlement conference, plea hearing or sentencing hearing, the prosecuting attorney shall inform the court whether the victim is present. If the victim is not present and the case involves a defendant charged with a violent felony **or bias crime in the first degree under ORS 166.165**, the prosecuting attorney shall inform the court whether the victim was informed of the conference or hearing.

(2) In any case involving a defendant charged with a violent felony **or bias crime in the first degree under ORS 166.165**:

(a) If the victim requests, the prosecuting attorney shall make reasonable efforts to consult the victim before making a plea offer and before entering into a final plea agreement.

(b) Before the court accepts a plea of guilty or no contest:

(A) If the victim is present, the court shall ask whether the victim was consulted regarding plea negotiations, if the victim agrees or disagrees with the plea agreement as presented to the court and whether the victim wishes to be heard regarding the plea agreement.

(B) If the victim is not present, the court shall ask the prosecuting attorney whether the victim requested to be informed and consulted regarding plea negotiations. If the victim made such a request, the court shall ask the prosecuting attorney what reasonable efforts to inform and consult the victim concerning plea negotiations were made and whether the victim agrees or disagrees with the plea agreement.

(c) If the court finds that the victim requested consultation regarding plea negotiations and that the prosecuting attorney failed to make reasonable efforts to consult the victim, the court shall direct the prosecuting attorney to make reasonable efforts to consult the victim and may not accept the plea unless the court makes a finding on the record that the interests of justice require the acceptance of the plea.

(3) Before the court imposes sentence, the court shall ask whether the victim wishes to express the views described in ORS 137.013.

ADDRESS CONFIDENTIALITY PROGRAM

SECTION 8. ORS 192.820 is amended to read:

192.820. As used in ORS 192.820 to 192.868:

(1) "Actual address" means:

(a) A residential, work or school street address of an individual specified on the application of the individual to be a program participant; or

(b) The name of the county in which the program participant resides or the name or number of the election precinct in which the program participant is registered to vote.

(2) "Address Confidentiality Program" means the program established under ORS 192.822.

(3) "Application assistant" means an employee of or a volunteer serving a public or private entity designated by the Attorney General under ORS 192.854 to assist individuals with applications to participate in the Address Confidentiality Program.

(4) "Program participant" means an individual accepted into the Address Confidentiality Program under ORS 192.820 to 192.868.

(5) "Public body" has the meaning given that term in ORS 174.109.

(6) "Public record" has the meaning given that term in ORS 192.311.

(7) "Substitute address" means an address designated by the Attorney General under the Ad-

1 dress Confidentiality Program.

2 (8) "Victim of a sexual offense" means:

3 (a) An individual against whom a sexual offense has been committed, as described in ORS
4 163.305 to 163.467, 163.427, 163.466 or 163.525; or

5 (b) Any other individual designated by the Attorney General by rule.

6 (9) "Victim of bias" means:

7 (a) **An individual against whom a bias crime or bias incident, as those terms are defined
8 in ORS 147.380, has been committed; or**

9 **(b) Any other individual designated by the Attorney General by rule.**

10 [(9)] (10) "Victim of domestic violence" means:

11 (a) An individual against whom domestic violence has been committed, as defined in ORS
12 135.230, 181A.355 or 411.117;

13 (b) An individual who has been a victim of abuse, as defined in ORS 107.705; or

14 (c) Any other individual designated a victim of domestic violence by the Attorney General by
15 rule.

16 [(10)] (11) "Victim of human trafficking" means:

17 (a) An individual against whom an offense described in ORS 163.263, 163.264 or 163.266 has been
18 committed; or

19 (b) Any other individual designated by the Attorney General by rule. In adopting rules under
20 this subsection, the Attorney General shall consider individuals against whom an act recognized as
21 a severe form of trafficking in persons under 22 U.S.C. 7102 has been committed.

22 [(11)] (12) "Victim of stalking" means:

23 (a) An individual against whom stalking has been committed, as described in ORS 163.732; or

24 (b) Any other individual designated by the Attorney General by rule.

25 **SECTION 9.** ORS 192.822 is amended to read:

26 192.822. (1) The Address Confidentiality Program is established in the Department of Justice to:

27 (a) Protect the confidentiality of the actual address of a victim of domestic violence, a sexual
28 offense, stalking, **bias** or human trafficking; and

29 (b) Prevent assailants or potential assailants of the victim from finding the victim through public
30 records.

31 (2) The Attorney General shall designate a substitute address for a program participant and act
32 as the agent of the program participant for purposes of service of all legal process in this state and
33 receiving and forwarding first-class, certified or registered mail.

34 (3) The Attorney General is not required to forward any packages or mail other than first-class,
35 certified or registered mail to the program participant.

36 (4) The Attorney General is not required to track or otherwise maintain records of any mail
37 received on behalf of a program participant unless the mail is certified or registered.

38 **SECTION 10.** ORS 192.826 is amended to read:

39 192.826. (1) Any of the following individuals with the assistance of an application assistant may
40 file an application with the Attorney General to participate in the Address Confidentiality Program:

41 (a) An adult individual.

42 (b) A parent or guardian acting on behalf of a minor when the minor resides with the parent
43 or guardian.

44 (c) A guardian acting on behalf of an incapacitated individual.

45 (2) The application must be dated, signed and verified by the applicant and the application as-

1 sistant who assisted in the preparation of the application.

2 (3) The application must contain all of the following:

3 (a) A statement by the applicant that the applicant or the applicant's child or ward is a victim
4 of domestic violence, a sexual offense, stalking, **bias** or human trafficking and that the applicant
5 fears for the applicant's safety or the safety of the applicant's child or ward.

6 (b) Evidence that the applicant or the applicant's child or ward is a victim of domestic violence,
7 a sexual offense, stalking, **bias** or human trafficking. This evidence may include any of the following:

8 (A) Law enforcement, court or other federal, state or local government records or files;

9 (B) Documentation from a public or private entity that provides assistance to victims of domes-
10 tic violence, a sexual offense, stalking, **bias** or human trafficking if the applicant or the applicant's
11 child or ward is an alleged victim of domestic violence, a sexual offense, stalking, **bias** or human
12 trafficking;

13 (C) Documentation from a religious, medical or other professional from whom the applicant has
14 sought assistance in dealing with the alleged domestic violence, sexual offense, stalking, **bias** or
15 human trafficking; or

16 (D) Other forms of evidence as determined by the Attorney General by rule.

17 (c) A statement by the applicant that disclosure of the actual address of the applicant would
18 endanger the safety of the applicant or the safety of the applicant's child or ward.

19 (d) A statement by the applicant that the applicant:

20 (A) Resides at a location in this state that is not known by assailants or potential assailants of
21 the applicant or the applicant's child or ward; and

22 (B) Will not disclose the location to assailants or potential assailants of the applicant or the
23 applicant's child or ward while the applicant is a program participant.

24 (e) Written consent permitting the Attorney General to act as an agent for the applicant for the
25 service of all legal process in this state and the receipt of first-class, certified or registered mail.

26 (f) The mailing address and telephone number at which the Attorney General can contact the
27 applicant.

28 (g) The actual address that the applicant requests not be disclosed by the Attorney General that
29 directly relates to the increased risk of the applicant or the applicant's child or ward as a victim
30 of domestic violence, a sexual offense, stalking, **bias** or human trafficking.

31 (h) A sworn statement by the applicant that to the best of the applicant's knowledge the infor-
32 mation contained in the application is true.

33 (i) A recommendation by an application assistant that the applicant be a participant in the Ad-
34 dress Confidentiality Program.

35 (4) Upon the filing of a properly completed application and upon approval by the Attorney
36 General, the Attorney General shall certify the applicant as a program participant.

37 (5) Upon certification, the Attorney General shall issue an Address Confidentiality Program
38 authorization card to the program participant. The Address Confidentiality Program authorization
39 card is valid as long as the program participant remains certified under the program.

40 (6) The term of certification shall be for a period of time determined by the Attorney General
41 by rule, unless prior to the end of the period one of the following occurs:

42 (a) The program participant withdraws the certification by filing with the Attorney General a
43 request for withdrawal signed by the program participant and acknowledged in writing by a notary
44 public or an application assistant; or

45 (b) The Attorney General cancels the certification under ORS 192.834.

1 (7) A program participant may renew the certification by filing an application for renewal with
2 the Attorney General at least 30 days prior to expiration of the current certification.

3
4 **EXPANSION OF PROTECTED LEAVE TO BIAS VICTIMS**

5
6 **SECTION 11.** ORS 659A.270 is amended to read:

7 659A.270. As used in ORS 659A.270 to 659A.285:

8 (1) "Covered employer" means an employer who employs six or more individuals in the State
9 of Oregon for each working day during each of 20 or more calendar workweeks in the year in which
10 an eligible employee takes leave to address domestic violence, harassment, sexual assault, **bias** or
11 stalking, or in the year immediately preceding the year in which an eligible employee takes leave
12 to address domestic violence, harassment, sexual assault, **bias** or stalking.

13 (2) "Eligible employee" means an employee who is a victim of domestic violence, harassment,
14 sexual assault, **bias** or stalking or is the parent or guardian of a minor child or dependent who is
15 a victim of domestic violence, harassment, sexual assault, **bias** or stalking.

16 (3) "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to
17 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains
18 an individual from contact with an eligible employee or the employee's minor child or dependent.

19 (4) "**Victim of bias**" means:

20 (a) **An individual who has been a victim of a bias crime as defined in ORS 147.380; or**

21 (b) **Any other individual designated as a victim of bias by rule adopted under ORS**
22 **659A.805.**

23 [(4)] (5) "Victim of domestic violence" means:

24 (a) An individual who has been a victim of abuse, as defined in ORS 107.705; or

25 (b) Any other individual designated as a victim of domestic violence by rule adopted under ORS
26 659A.805.

27 [(5)] (6) "Victim of harassment" means:

28 (a) An individual against whom harassment has been committed as described in ORS 166.065.

29 (b) Any other individual designated as a victim of harassment by rule adopted under ORS
30 659A.805.

31 [(6)] (7) "Victim of sexual assault" means:

32 (a) An individual against whom a sexual offense has been committed as described in ORS 163.305
33 to 163.467, 163.472 or 163.525; or

34 (b) Any other individual designated as a victim of sexual assault by rule adopted under ORS
35 659A.805.

36 [(7)] (8) "Victim of stalking" means:

37 (a) An individual against whom stalking has been committed as described in ORS 163.732;

38 (b) An individual designated as a victim of stalking by rule adopted under ORS 659A.805; or

39 (c) An individual who has obtained a court's stalking protective order or a temporary court's
40 stalking protective order under ORS 30.866.

41 [(8)] (9) "Victim services provider" means a prosecutor-based victim assistance program or a
42 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-
43 olence, harassment, sexual assault, **bias** or stalking.

44 **SECTION 12.** ORS 659A.272 is amended to read:

45 659A.272. Except as provided in ORS 659A.275, a covered employer shall allow an eligible em-

1 plovee to take reasonable leave from employment for any of the following purposes:

2 (1) To seek legal or law enforcement assistance or remedies to ensure the health and safety of
 3 the employee or the employee’s minor child or dependent, including preparing for and participating
 4 in protective order proceedings or other civil or criminal legal proceedings related to domestic vi-
 5 olence, harassment, sexual assault, **bias** or stalking.

6 (2) To seek medical treatment for or to recover from injuries caused by domestic violence or
 7 sexual assault to, [or] harassment or stalking of **or the commission of a bias crime against** the
 8 eligible employee or the employee’s minor child or dependent.

9 (3) To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed
 10 mental health professional related to an experience of domestic violence, harassment, sexual
 11 assault, **bias** or stalking.

12 (4) To obtain services from a victim services provider for the eligible employee or the employee’s
 13 minor child or dependent.

14 (5) To relocate or take steps to secure an existing home to ensure the health and safety of the
 15 eligible employee or the employee’s minor child or dependent.

16 **SECTION 13.** ORS 659A.280 is amended to read:

17 659A.280. (1) An eligible employee shall give the covered employer reasonable advance notice
 18 of the employee’s intention to take leave for the purposes identified in ORS 659A.272, unless giving
 19 the advance notice is not feasible.

20 (2) The covered employer may require the eligible employee to provide certification that:

21 (a) The employee or the employee’s minor child or dependent is a victim of domestic violence,
 22 harassment, sexual assault, **bias** or stalking; and

23 (b) The leave taken is for one of the purposes identified in ORS 659A.272.

24 (3) The eligible employee shall provide the certification within a reasonable time after receiving
 25 the covered employer’s request for the certification.

26 (4) Any of the following constitutes sufficient certification:

27 (a) A copy of a police report indicating that the eligible employee or the employee’s minor child
 28 or dependent was a victim of domestic violence, harassment, sexual assault, **bias** or stalking.

29 (b) A copy of a protective order or other evidence from a court, administrative agency or at-
 30 torney that the eligible employee appeared in or was preparing for a civil, criminal or administrative
 31 proceeding related to domestic violence, harassment, sexual assault, **bias** or stalking.

32 (c) Documentation from an attorney, law enforcement officer, health care professional, licensed
 33 mental health professional or counselor, member of the clergy, **employee of the Department of**
 34 **Justice division providing victim and survivor services** or victim services provider that the eli-
 35 gible employee or the employee’s minor child or dependent was undergoing treatment or counseling,
 36 obtaining services or relocating as a result of domestic violence, harassment, sexual assault, **bias**
 37 or stalking.

38 (5) All records and information kept by a covered employer regarding an eligible employee’s
 39 leave under ORS 659A.270 to 659A.285, including the fact that the employee has requested or ob-
 40 tained leave under ORS 659A.272, are confidential and may not be released without the express
 41 permission of the employee, unless otherwise required by law.

42 **SECTION 14.** ORS 659A.283 is amended to read:

43 659A.283. (1) As used in this section, “public employer” means the State of Oregon.

44 (2)(a) Notwithstanding ORS 659A.285, an eligible employee of the public employer who is a vic-
 45 tim of domestic violence, a victim of harassment, a victim of sexual assault, **a victim of bias** or a

1 victim of stalking shall be granted leave with pay from employment for the purposes specified in
 2 ORS 659A.272.

3 (b) Leave with pay authorized by this section is in addition to any vacation, sick, personal
 4 business or other form of paid or unpaid leave available to the eligible employee. However, an eli-
 5 gible employee must exhaust all other forms of paid leave before the employee may use the paid
 6 leave established under this section.

7 (c) An eligible employee may take up to 160 hours of leave with pay authorized by this section
 8 in each calendar year.

9 (3) If the public employer has knowledge, or reasonably should have knowledge, that an em-
 10 ployee is a victim of domestic violence, a victim of harassment, a victim of sexual assault, **a victim**
 11 **of bias** or a victim of stalking and that any direct or indirect communication to the eligible em-
 12 ployee related to the victimization of the employee is made or attempted to be made in the
 13 workplace, the public employer of the employee shall immediately inform the employee and offer to
 14 report the communication to law enforcement.

15 (4) The public employer shall annually inform all employees of the provisions of ORS 659A.290.

16 **SECTION 15.** ORS 659A.290 is amended to read:

17 659A.290. (1) As used in this section:

18 (a) “Reasonable safety accommodation” may include, but is not limited to, a transfer, reassign-
 19 ment, modified schedule, use of available paid leave from employment, unpaid leave from employ-
 20 ment, changed work telephone number, changed work station, installed lock, implemented safety
 21 procedure or any other adjustment to a job structure, workplace facility or work requirement in
 22 response to actual or threatened domestic violence, harassment, sexual assault or stalking.

23 **(b) “Victim of bias” has the meaning given that term in ORS 659A.270.**

24 [(b)] **(c)** “Victim of domestic violence” has the meaning given that term in ORS 659A.270.

25 [(c)] **(d)** “Victim of harassment” has the meaning given that term in ORS 659A.270.

26 [(d)] **(e)** “Victim of sexual assault” has the meaning given that term in ORS 659A.270.

27 [(e)] **(f)** “Victim of stalking” has the meaning given that term in ORS 659A.270.

28 (2) It is an unlawful employment practice for an employer to:

29 (a) Refuse to hire an otherwise qualified individual because the individual is a victim of domestic
 30 violence, harassment, sexual assault, **bias** or stalking.

31 (b) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate
 32 against an individual with regard to promotion, compensation or other terms, conditions or privi-
 33 leges of employment because the individual is a victim of domestic violence, harassment, sexual as-
 34 sult, **bias** or stalking.

35 (c) Refuse to make a reasonable safety accommodation requested by an individual who is a vic-
 36 tim of domestic violence, harassment, sexual assault, **bias** or stalking, unless the employer can
 37 demonstrate that the accommodation would impose an undue hardship on the operation of the busi-
 38 ness of the employer, as determined under ORS 659A.121.

39 (3)(a) Prior to making a reasonable safety accommodation, an employer may require an individ-
 40 ual to provide certification that the individual is a victim of domestic violence, harassment, sexual
 41 assault, **bias** or stalking.

42 (b) An individual must provide a certification required under paragraph (a) of this subsection
 43 within a reasonable time after receiving the employer’s request for certification.

44 (c) Any of the following constitutes sufficient certification:

45 (A) A copy of a police report indicating that the individual was or is a victim of domestic vi-

1 olence, harassment, sexual assault, **bias** or stalking.

2 (B) A copy of a protective order or other evidence from a court, administrative agency or at-
 3 torney that the individual appeared in or is preparing for a civil, criminal or administrative pro-
 4 ceeding related to domestic violence, harassment, sexual assault, **bias** or stalking.

5 (C) Documentation from an attorney, law enforcement officer, health care professional, licensed
 6 mental health professional or counselor, member of the clergy, **employee of the Department of**
 7 **Justice division providing victim and survivor services** or victim services provider that the in-
 8 dividual was or is undergoing treatment or counseling, obtaining services or relocating as a result
 9 of domestic violence, harassment, sexual assault, **bias** or stalking.

10 (d) All records and information kept by an employer regarding a reasonable safety accommo-
 11 dation made for an individual are confidential and may not be released without the express permis-
 12 sion of the individual, unless otherwise required by law.

13
 14 **ADDRESS CONFIDENTIALITY FOR HOTLINE STAFF**

15
 16 **SECTION 16.** ORS 802.250 is amended to read:

17 802.250. (1) An eligible public employee may request that any driver or vehicle record kept by
 18 the Department of Transportation that contains or is required to contain the eligible employee's
 19 residence address contain instead the address of the public agency employing the eligible employee.
 20 A request under this section shall:

21 (a) Be in a form specified by the department that provides for verification of the eligible
 22 employee's employment.

23 (b) Contain verification by the employing public agency of the eligible employee's employment
 24 with the public agency.

25 (2) Upon receipt of a request and verification under subsection (1) of this section, the depart-
 26 ment shall remove the eligible employee's residence address from its records, if necessary, and sub-
 27 stitute therefor the address of the public agency employing the eligible employee. The department
 28 shall indicate on the records that the address shown is an employment address. While the request
 29 is in effect, the eligible employee may enter the address of the public agency employing the eligible
 30 employee on any driver or vehicle form issued by the department that requires an address.

31 (3) A public agency that verifies an eligible employee's employment under subsection (1) of this
 32 section shall notify the department within 30 days if the eligible employee ceases to be employed
 33 by the public agency. The eligible employee shall notify the department of a change of address as
 34 provided in ORS 803.220 or 807.560.

35 (4) If an eligible employee is killed in the line of duty, a person who is a household member of
 36 the eligible employee may request that any driver or vehicle record kept by the department that
 37 contains or is required to contain the household member's residence address continue to contain the
 38 address of the public agency that employed the eligible employee for up to four years after the date
 39 of the death of the eligible employee. On or before the date on which the four-year period ends, the
 40 household member shall notify the department of a change of address as provided in ORS 803.220
 41 or 807.560. A request under this subsection shall be in a form specified by the department.

42 (5) As used in this section, "eligible employee" means:

43 (a) A member of the State Board of Parole and Post-Prison Supervision.

44 (b) The Director of the Department of Corrections and an employee of an institution defined in
 45 ORS 421.005 as Department of Corrections institutions, whose duties, as assigned by the super-

1 intendent, include the custody of persons committed to the custody of or transferred to the institu-
 2 tion.

3 (c) A parole and probation officer employed by the Department of Corrections and an employee
 4 of the Department of Corrections Release Center whose duties, as assigned by the Chief of the Re-
 5 lease Center, include the custody of persons committed to the custody of or transferred to the Re-
 6 lease Center.

7 (d) A police officer appointed under ORS 276.021 or 276.023.

8 (e) An employee of the State Department of Agriculture who is classified as a brand inspector
 9 by the Director of Agriculture.

10 (f) An investigator of the Criminal Justice Division of the Department of Justice.

11 (g) A corrections officer as defined in ORS 181A.355.

12 (h) A federal officer. As used in this paragraph, "federal officer" means a special agent or law
 13 enforcement officer employed by:

14 (A) The Federal Bureau of Investigation;

15 (B) The United States Secret Service;

16 (C) The United States Citizenship and Immigration Services;

17 (D) The United States Marshals Service;

18 (E) The Drug Enforcement Administration;

19 (F) The United States Postal Service;

20 (G) The United States Customs and Border Protection;

21 (H) The United States General Services Administration;

22 (I) The United States Department of Agriculture;

23 (J) The Bureau of Alcohol, Tobacco, Firearms and Explosives;

24 (K) The Internal Revenue Service;

25 (L) The United States Department of the Interior; or

26 (M) Any federal agency if the person is empowered to effect an arrest with or without warrant
 27 for violations of the United States Code and is authorized to carry firearms in the performance of
 28 duty.

29 (i) An employee of the Department of Human Services or the Oregon Health Authority whose
 30 duties include personal contact with clients or patients of the department or the authority.

31 (j) Any judge of a court of this state.

32 (k) An employee of the Oregon Youth Authority or of a county juvenile department whose duties
 33 include personal contact with persons committed to the legal or physical custody of the authority
 34 or of the county juvenile department.

35 (L) A district attorney, as defined in ORS 131.005, or deputy district attorney.

36 (m) An employee who provides educational services to persons who are clients or patients of the
 37 Department of Human Services or the Oregon Health Authority, who are under the jurisdiction of
 38 the Psychiatric Security Review Board or who are under the custody or supervision of the Depart-
 39 ment of Corrections, the State Board of Parole and Post-Prison Supervision, a community corrections
 40 agency, the Oregon Youth Authority or a juvenile department. As used in this paragraph, "employee
 41 who provides educational services" means a person who provides instruction, or services related to
 42 the instruction, of a subject usually taught in an elementary school, a secondary school or a com-
 43 munity college or who provides special education and related services in other than a school setting
 44 and who works for:

45 (A) An education service district or a community college district; or

1 (B) A state officer, board, commission, bureau, department or division in the executive branch
2 of state government that provides educational services.

3 (n) An employee of the Oregon Liquor and Cannabis Commission who is:

4 (A) A regulatory specialist; or

5 (B) A regulatory manager.

6 (o) A police officer as defined in ORS 801.395.

7 (p) An employee whose duties include personal contact with criminal offenders and who is em-
8 ployed by a law enforcement unit, as defined in ORS 181A.355.

9 (q) A civil code enforcement officer, as defined in ORS 192.345.

10 (r) An assistant attorney general whose duties include the representation of the Department of
11 Human Services in child welfare matters.

12 (s) **An employee of the Department of Justice who staffs the hate crimes hotline de-**
13 **scribed in ORS 147.380.**

14
15 **TRAINING PROGRAM FOR VICTIM ASSISTANCE PROGRAMS**

16
17 **SECTION 17. No later than January 1, 2025, the Department of Justice shall develop and**
18 **begin delivering a training program for employees of district attorney victim assistance**
19 **programs to assist the employees with providing services to victims of bias crimes as defined**
20 **in ORS 147.380.**

21
22 **CAPTIONS**

23
24 **SECTION 18. The unit captions used in this 2023 Act are provided only for the conven-**
25 **ience of the reader and do not become part of the statutory law of this state or express any**
26 **legislative intent in the enactment of this 2023 Act.**