

Senate Bill 1035

Sponsored by Senator THATCHER

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 grand jury to hold public meeting for specified indictments. Specifies attendees at public meeting and requires period for public comment and inquiry.

Establishes civil rights grand jury to investigate alleged civil rights violations by law enforcement officer. Provides for member of public to petition civil rights grand jury to investigate. Specifies content of petition. Requires civil rights grand jury to hold public meeting following investigation. Specifies attendees at public meeting and requires period for public comment and inquiry.

A BILL FOR AN ACT

1
2 Relating to grand jury proceedings.

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

4 **SECTION 1. (1) The grand jury shall hold a public meeting for any indictment indorsed**
5 **“not a true bill” and which remains a public record under ORS 132.430 (1) and for any**
6 **indictment indorsed “a true bill” under ORS 132.400 and which is no longer designated as**
7 **confidential under ORS 132.410.**

8 **(2) The foreman appointed by the court under ORS 132.050, the district attorney and the**
9 **court who selected the grand jury under ORS 132.020 shall be present at the public meeting**
10 **held under subsection (1) of this section.**

11 **(3) During the public meeting held under subsection (1) of this section:**

12 **(a) The district attorney shall present the underlying facts of the indictment; and**

13 **(b) A period for public comment and inquiry shall be reserved.**

14 **SECTION 2. (1) As used in this section, “law enforcement officer” means a police officer,**
15 **reserve officer or certified reserve officer as those terms are defined in ORS 181A.355.**

16 **(2) The grand jury, or a grand jury if the court selects more than one grand jury under**
17 **ORS 132.020 (2), shall be designated by the court who selected the grand jury as a civil rights**
18 **grand jury for the investigation of an alleged civil rights violation by a law enforcement of-**
19 **ficer.**

20 **(3) Any member of the public may petition a civil rights grand jury in the county in which**
21 **an alleged civil rights violation by a law enforcement officer occurred. A petition under this**
22 **subsection shall:**

23 **(a) Contain the facts underlying the alleged civil rights violation;**

24 **(b) Identify any witness to the alleged civil rights violation; and**

25 **(c) Request the investigation of the alleged civil rights violation.**

26 **(4) A civil rights grand jury shall confirm the receipt of any petition under subsection (3)**
27 **of this section.**

28 **(5) A civil rights grand jury may investigate or decline to investigate a civil rights vio-**

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 lation alleged in a petition under subsection (3) of this section by a majority vote of the grand
2 jurors.

3 (6)(a) In conducting an investigation under this section, a civil rights grand jury:

4 (A) May receive no other evidence than might be given during a civil action against a law
5 enforcement officer for a civil rights violation.

6 (B) By a majority vote, may direct the district attorney to subpoena witnesses to appear
7 before the grand jury as described in ORS 136.563.

8 (b) All proceedings described in this section shall be recorded in the manner described in
9 ORS 132.250 and 132.260 and, notwithstanding ORS 132.270, the audio recording, notes or re-
10 port of a shorthand reporter or transcript of the proceeding shall be released to the public
11 upon request.

12 (7) Notwithstanding ORS 132.440 (3), at the conclusion of a civil rights grand jury's in-
13 vestigation under this section, the civil rights grand jury shall submit to the court a final
14 report of its findings and recommendations. The final report, along with any evidentiary
15 material submitted to or relied upon by the civil rights grand jury for the final report, shall
16 be a public record, provided that the name of any individual or any fact that leads to the
17 identity of an individual who provided information to the civil rights grand jury shall not be
18 released. One copy of the final report shall be placed on file with the clerk of the court and
19 remain on file in the office of the clerk.

20 (8) Following the submission of a final report under subsection (7) of this section, the
21 civil rights grand jury shall hold a public meeting. The foreman appointed by the court under
22 ORS 132.050 and the presiding judge who selected the grand jury under ORS 132.020 shall be
23 present at the public meeting.

24 (9) During the public meeting held under subsection (8) of this section:

25 (a) The foreman shall present the content of the petition under subsection (3) of this
26 section;

27 (b) The foreman shall provide a summary of the facts submitted to and relied upon by
28 the civil rights grand jury in its final report, provided that the name of any individual or any
29 fact that leads to the identity of an individual who provided information to the civil rights
30 grand jury shall not be released; and

31 (c) A period for public comment and inquiry shall be reserved.

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