

HB 4157 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/23

WHAT THE MEASURE DOES:

The measure adds a new exception to the “hearsay rule” of the Oregon Evidence Code for statements related to crimes of trafficking in persons, purchasing sex with a minor, promoting prostitution, or compelling prostitution, or attempts, conspiracies, or solicitations of any of those crimes involving a commercial sex act, if the statements were made by a victim within 24 hours after the commercial sex act, was recorded or made to certain law enforcement or emergency personnel, and has sufficient indicia of reliability. The measure establishes what a court must consider to determine whether a statement has sufficient indicia of reliability. The measure takes effect on the 91st day after adjournment sine die.

HOUSE VOTE: Ayes, 52; Nays, 1

FISCAL IMPACT: Has minimal fiscal impact

REVENUE IMPACT: Has no revenue impact

ISSUES DISCUSSED:

- Impacts on consensual sex work
- Comparison to hearsay exceptions for cases involving domestic violence

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

“Hearsay” is a statement made by someone other than the person testifying that is offered as evidence to prove that what was said in the statement is true (see ORS 40.450). Under the Oregon Evidence Code, hearsay is generally not admissible unless an exception exists (see ORS 50.455). Exceptions to the hearsay rule, listed in Rule 803, include statements of a state of mind, statements made for the purpose of medical diagnoses, and certain kinds of records. Another exception is a statement “that purports to narrate, describe, report or explain an incident of domestic violence ... made by a victim of the domestic violence within 24 hours after the incident occurred” in which the statement was either recorded or made to certain law enforcement or emergency personnel and has “sufficient indicia of reliability” (see ORS 40.460(26)).