

**Enrolled**  
**Senate Bill 16**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Corrections)

CHAPTER .....

AN ACT

Relating to Department of Corrections restorative justice program communications; and declaring an emergency.

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

**SECTION 1. The Legislative Assembly finds and declares that:**

**(1) Restorative justice programs, including facilitated dialogues and responsibility letter banks, can promote justice and healing for crime victims and survivors and can aid inmates in the process of rehabilitation;**

**(2) A facilitated dialogue or responsibility letter bank program is most successful when the participants are able to communicate openly and honestly about the crime and its impact, knowing that the participants' communication will not be disclosed to other people or used against them later; and**

**(3) It is the policy and purpose of sections 1 to 3 of this 2017 Act that Department of Corrections facilitated dialogue and responsibility letter bank program communications are confidential, and should not be admissible in any administrative, judicial or arbitration proceeding, except pursuant to limited exceptions established by the Department of Corrections by rule.**

**SECTION 2. As used in sections 1 to 3 of this 2017 Act, "facilitated dialogue and responsibility letter bank program communications" means all communications by a victim, survivor or inmate, or by a program facilitator, advisory committee member or staff person, that are made in the course of or in connection with a facilitated dialogue or responsibility letter bank program conducted pursuant to Department of Corrections rules. The communications include but are not limited to:**

**(1) All memoranda, assessment and evaluation forms, documents and other materials, including letters that are prepared for or submitted in connection with a facilitated dialogue;**

**(2) All communications, whether oral, written or recorded, made during the intake of a case, during preparations for a facilitated dialogue, during any joint in-person meetings or telephone calls, and during any post-dialogue meetings or conversations; and**

**(3) All materials or recordings submitted in connection with a responsibility letter bank program by a victim, survivor or inmate or by another person on behalf of a victim, survivor or inmate.**

**SECTION 3. (1) Facilitated dialogue and responsibility letter bank program facilitators, advisory committee members and staff persons shall not be compelled to testify or produce**

evidence in any judicial or administrative proceeding with respect to any facilitated dialogue or responsibility letter bank program communication, except as required under rules established pursuant to section 4 of this 2017 Act.

(2) Facilitated dialogue and responsibility letter bank program facilitators, advisory committee members and staff persons are not civilly liable for any act or omission done or made while engaged in efforts to assist a victim, survivor or inmate in the course of or in connection with a facilitated dialogue or responsibility letter bank program conducted pursuant to rules adopted by the Department of Corrections, unless the facilitator, member or person acted or made an omission in bad faith, with malicious intent or in a manner that exhibited a willful or wanton disregard of the rights, safety or property of another person.

(3) Facilitated dialogue and responsibility letter bank program communications are confidential and may not be disclosed to any other person, except as permitted under rules established pursuant to section 4 of this 2017 Act.

(4) Facilitated dialogue and responsibility letter bank program communications are not admissible as evidence in any subsequent administrative, judicial or arbitration proceeding, except as permitted under rules established pursuant to section 4 of this 2017 Act.

**SECTION 4.** The Department of Corrections shall adopt rules to carry out the provisions of sections 1 to 3 of this 2017 Act.

**SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate March 14, 2017

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

Passed by House May 9, 2017

.....  
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....  
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....  
Dennis Richardson, Secretary of State