

HB 2462 -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/19, 3/27

WHAT THE MEASURE DOES:

Requires court, upon arraignment of defendant, to inform defendant that status as a servicemember may provide eligibility for treatment programs, specialty courts, or mitigated sentencing. Prohibits use of servicemember status as aggravating factor in determining defendant's sentence. Allows attorney for defendant to notify court of servicemember status. Requires permission of defendant for notification. Requires court to seal the court file, upon request, of any information concerning the defendant's status as a servicemember. Provides process for notification to Criminal Justice Commission of defendant's status. Requires Judicial Department to develop form to provide Commission that includes disposition of charges, adjudication in specialty court, and any information concerning the defendant's military service. Requires report to Legislative Assembly twice each year on court data. Requires Department of Veteran Affairs to conduct a study on a pilot program on assisting servicemembers involved in the criminal justice system. Requires report and recommendations on legislation by September 15, 2020. Takes effect 91 days after adjournment.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 2 Removes provisions relating to data collection and report. Adds notification of diversion options, in addition to treatment programs and specialty courts. Retains process for attorney to notify court of a defendant's status as a servicemember, and for court to seal record relating to defendant's status as servicemember.
- 3 Narrows measure. Requires court, upon arraignment of defendant, to inform defendant that status as a servicemember may provide eligibility for treatment programs, specialty courts, or mitigated sentencing. Prohibits use of servicemember status as aggravating factor in determining defendant's sentence. Allows attorney for defendant to notify court of servicemember status.

BACKGROUND:

In December of 2018, over 1,600 Oregonians were serving on active duty in a branch of the armed services and over 9,000 served in a reserved status. In the United States, over 2.6 million individuals are currently serving in either active or reserve status. There are over 20 million veterans in the US., less than 10 percent of the population. A study in 2012 found that 9 percent of Iraq and Afghanistan war veterans became involved in the criminal justice system upon returning home. Veterans of any age account for approximately 8 percent of the prison and jail population.

House Bill 2462 requires courts to inform defendants that servicemember status may make a defendant eligible for treatment programs, speciality courts, or mitigating sentencing. The measure allows the defendant to notify the court of the defendant's status as a servicemember and to seal the record relating to service. The Oregon Judicial Department is tasked with developing a form for use in tracking certain demographic data, including information relating to service and the disposition of each charge. Finally, the measure requires the Department of Veterans' Affairs to study a pilot program on assisting servicemembers involved in the criminal justice system.

PRELIMINARY