



## Open Government Impact Statement

80th Oregon Legislative Assembly  
2019 Regular Session

## Measure: HB 2462

Only impacts on Original or Engrossed  
Versions are Considered Official

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### SUMMARY

Directs court to, at time of arraignment, notify defendant that status as servicemember may make defendant eligible for treatment programs, specialty courts or sentencing mitigation. Prohibits use of defendant's status as servicemember from being used as aggravating factor for purposes of sentencing.

Directs court to, upon dismissal or entry of judgment in criminal proceeding, provide Oregon Criminal Justice Commission with specified information concerning defendant when court has been notified that defendant is servicemember. Directs commission to provide biannual report to Legislative Assembly on information received from courts concerning servicemember defendants.

Directs Department of Veterans' Affairs to conduct study on establishing pilot program with purpose of assisting servicemembers involved in criminal justice system and present report on findings to interim committees of Legislative Assembly related to veterans' affairs on or before September 15, 2020.

Takes effect on 91st day following adjournment sine die.

### OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure information contained in criminal court files regarding the defendant's status as a servicemember if the defendant requests the information to be sealed within the court file.

If public records related to the status of a servicemember were instead subject to mandatory disclosure under public records law, defendants would be less likely to proffer that information to the court and, consequently, not be able to take advantage of treatment programs, specialty courts or mitigated sentencing that is available to servicemembers.