A-Engrossed

House Bill 2480

Ordered by the House April 12
Including House Amendments dated April 12

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary)

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.

[*Creates exception to prohibition on recording communications for person who records conversation during or regarding commission of offense against person.*]

[*Creates exception to rule against hearsay for translation by qualified interpreter.*]

[*Expands venue for trial of two or more offenses involving domestic violence or abuse between same defendant and victim.*]

[*Requires defendant to give notice of intent to introduce evidence on issue of insanity at least 60 days before trial.*]

[*Modifies provisions relating to prior convictions for felony sex crimes in other jurisdictions.*]

[*Provides that, upon receipt of petition to initiate commitment proceedings of extremely dangerous person with mental illness, court shall order that person be held in custody pending evaluation and hearing.*]

Provides that statement purporting to interpret otherwise admissible statement from one language into another does not constitute hearsay if declarant testifies.

Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2   Relating to legal proceedings; creating new provisions; amending ORS 40.450; and declaring an

3   emergency.

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

5   **SECTION 1.** ORS 40.450 is amended to read:

6   40.450. As used in ORS 40.450 to 40.475, unless the context requires otherwise:

7   (1) A "statement" is:

8   (a) An oral or written assertion; or

9   (b) Nonverbal conduct of a person, if intended as an assertion.

10   (2) A "declarant" is a person who makes a statement.

11   (3) "Hearsay" is a statement, other than one made by the declarant while testifying at the trial

12   or hearing, offered in evidence to prove the truth of the matter asserted.

13   (4) A statement is not hearsay if:

14   (a) The declarant testifies at the trial or hearing and is subject to cross-examination concerning

15   the statement, and the statement [*is*]:

16   (A) **Is** inconsistent with the testimony of the witness and was given under oath subject to the

17   penalty of perjury at a trial, hearing or other proceeding, or in a deposition;

18   (B) **Is** consistent with the testimony of the witness and is offered to rebut an inconsistent

19   statement or an express or implied charge against the witness of recent fabrication or improper in-

20   fluence or motive; [*or*]

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   (C) **Is** one of identification of a person made after perceiving the person[.]**; or**

2   **(D) Purports to interpret an otherwise admissible statement made by another person**

3 **from one language into another.**

4   (b) The statement is offered against a party and is:

5   (A) That party's own statement, in either an individual or a representative capacity;

6   (B) A statement of which the party has manifested the party's adoption or belief in its truth;

7   (C) A statement by a person authorized by the party to make a statement concerning the sub-

8 ject;

9   (D) A statement by the party's agent or servant concerning a matter within the scope of the

10 agency or employment, made during the existence of the relationship; or

11   (E) A statement by a coconspirator of a party during the course and in furtherance of the con-

12 spiracy.

13   (c) The statement is made in a deposition taken in the same proceeding pursuant to ORCP 39

14 I.

15   **SECTION 2.** **The amendments to ORS 40.450 by section 1 of this 2019 Act apply to com-**

16 **munications occurring on or after the effective date of this 2019 Act.**

17   **SECTION 3.** **This 2019 Act being necessary for the immediate preservation of the public**

18 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**

19 **on its passage.**

20   —————————