

## HB 2852 A STAFF MEASURE SUMMARY

### House Committee On Veterans and Emergency Management

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**Action Date:** 04/13/21

**Action:** Do pass with amendments and be referred to Rules. (Printed A-Eng.)

**Vote:** 6-0-0-0

**Yeas:** 6 - Evans, Grayber, Lewis, Meek, Wallan, Wright

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Cassie Passon, Counsel

**Meeting Dates:** 4/8, 4/13

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#### WHAT THE MEASURE DOES:

Requires courts, when determining aggravating factors in criminal matters, to consider whether conduct occurred during an emergency, mandatory evacuation, or within one year after an emergency ceased to be in effect and whether the defendant took advantage of circumstances related to the emergency, mandatory evacuation or recovery from emergency. Defines emergency as state of emergency declared by the Governor under ORS 401.165 due to natural disaster, a state of emergency declared by a city or county by ordinance or resolution as described in ORS 401.309 due to natural disaster, or catastrophic disaster declared by the Governor pursuant to Article X-A, section 1, of the Oregon Constitution due to natural disaster. Defines natural disaster as including but not limited to a fire, earthquake, flood, volcanic eruption, or tsunami.

#### ISSUES DISCUSSED:

- Looting during 2020 Labor Day fires and resulting prosecutions
- Flexibility to take circumstances into account during sentencing
- Excluding public health emergencies
- Cost of loss due to theft during recovery efforts
- Increased police patrols in effected areas
- Potential deterrent effect of measure

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

Oregon has its fair share of extreme weather and natural hazards that can occur throughout the year with little notice. According to the Office of Emergency Management (OEM), common hazards can include floods, winter storms, wildfires, earthquakes, tsunamis, extreme heat and volcanic eruptions. Two recent examples of extreme weather and natural hazards that resulted in declarations of statewide emergency are the 2020 Labor Day fires and the February 2021 winter storm.

House Bill 2852 A allows courts to make upward deviations from sentencing guidelines in criminal matters if it is determined that a defendant took advantage of an emergency situation caused by a natural disaster or the recovery effort afterward.