

SB 289 A STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Judiciary**Action Date:** 05/25/21**Action:** Do Pass the A-Eng bill.**Vote:** 10-0-0-0**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Leslie Wu, Counsel**Meeting Dates:** 5/20, 5/25**WHAT THE MEASURE DOES:**

Creates additional penalties for individuals convicted of bias crime under ORS 166.155 or 166.165 if crime was committed while on the waters of the state or on publicly owned land used for outdoor recreation. Prohibits person from entering any building, land, or water area under the jurisdiction of the Oregon Parks and Recreation Department for a period of at least six months and not longer than five years from date of conviction. Exempts entry to State Capitol State Park and entry to other lands when done while performing community service under the measure. Allows court to impose community service in form of habitat restoration and maintenance or anti-bias training as part of sentence. Requires the State Marine Board to suspend boating safety education card and revoke the waterway access permit for a period of at least six months but not longer than five years from date of conviction. Requires the State Fish and Wildlife Commission to revoke all licenses, tags, and permits issued to individual convicted of bias crime while angling, taking shellfish, hunting, trapping or on the waters of this state or publicly owned land used for recreation. Applies to convictions for conduct that occurs on or after effective date of Act.

ISSUES DISCUSSED:

- Whether penalties differ between first or second degree bias crimes
- Mechanics of penalty decision
- Communication between court and agencies
- Scope of exclusion penalty
- Timing of penalties

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2019, Governor Brown directed a Task Force on the Outdoors to develop a set of recommendations to ensure that the benefits of outdoor recreation—to individual wellbeing, community livability, and a thriving economy—are enjoyed by all Oregonians. One of the guiding principles of the work of the Task Force was to champion safe and easy access to parks, natural areas, and special places for improved wellbeing. The Task Force identified that one barrier to enjoyment of the outdoors for Oregonians is the incidence of bias crime while on public lands.

Senate Bill 289 A limits a person's access to areas under Oregon Parks and Recreation Department jurisdiction for a period of at least six months and not more than five years if the person is convicted of first or second degree bias crime (ORS 166.155 or 166.165) and the incident was committed while on waters of the state or publicly owned land used for outdoor recreation. The measure makes an exception for entry onto State Capitol Park land, and also for entry onto public land if done so pursuant to community service requirements under the measure.

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The measure allows for a court to sentence any such convicted individual to community service in the form of habitat restoration or anti-bias training. In addition, the measure requires the State Marine Board to suspend, and prohibit reissuing for a period of time, a boating safety education card, and revoke a waterway access permit for a period of time if a person is convicted of a bias crime committed on waters of the state or publicly owned land used for outdoor recreation. Finally, the Act authorizes a court to revoke all licenses, tags, and permits issued to person convicted of a bias crime committed while they were angling, taking shellfish, hunting, or trapping on the waters of the state or publicly owned land used for recreation.