SB 586   STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates:	2/9, 2/16

WHAT THE MEASURE DOES:

Makes restorative justice communications made in community-based programs confidential, exempt from public disclosure, and inadmissible as evidence, except in limited circumstances. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2021, the legislature directed the Oregon Criminal Justice Commission to establish a Restorative Justice grant program through House Bill 2204 (2021). The grant program was appropriated $4 million during the 2021-2023 biennium to fund programs of public and private entities, located across the state, to create new or expand upon existing community-based alternatives to the criminal and juvenile legal systems. In the inaugural grant cycle, eight programs received funding and are currently operating. Prior to these newly funded programs, existing law provided that, in restorative justice programs administered by the Department of Corrections, Psychiatric Review Board, and Oregon Youth authority, communications made by a participant during the program are confidential. Such communications may not be disclosed to any other person, except in limited circumstances, and are inadmissible in any administrative, judicial, or arbitration proceeding.

Senate Bill 586 would make restorative justice communications made in community-based programs confidential, exempt from public disclosure, and inadmissible as evidence in any administrative or judicial proceeding except in limited circumstances. Those circumstances are (1) if the communication causes a program staff member to believe that disclosing the communication is necessary to prevent the commission of a crime likely to result in death or substantial bodily injury to a specific person; (2) all parties provide written consent that all or part of a communication may be disclosed; or (3) the communication relates to child or elder abuse and is made to a mandatory reporter.