

SB 1574 -6, -7, -8, -11 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Conner Egan, LPRO Analyst

Meeting Dates: 2/13, 2/15

WHAT THE MEASURE DOES:

This measure is an omnibus bill relating to public safety.

Detailed Summary:

Abuse of a corpse in the first degree that involves sexual activity: Designates abuse of a corpse in the first degree that involves sexual activity as a sex crime. Operative date of January 1, 2025.

Humane special agents: Clarifies that humane special agents commissioned under ORS 181.345 are “law enforcement officials” for the purpose of receiving driver’s license and identification card photos from the Oregon Department of Transportation (ODOT) and adds humane special agents to those who may request disclosure of personal information from ODOT under ORS 802.179. Operative date of January 1, 2025.

Commission on Statewide Law Enforcement Standards of Conduct and Discipline Definitions: Modifies for consistency references for definitions of “law enforcement agency” and “law enforcement officer” as they relate to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline. Operative date of January 1, 2025.

Parole Board and PSRB Publishing Exemption: Clarifies that hearings of the State Board of Parole and Post Prison Supervision and hearings of the Psychiatric Security Review Board are exempt from the requirement that a meeting be published online. Applies to hearings conducted before, on or after the effective date of the Act. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- The impact on adults-in-custody and victims of crime on having parole board and PSRB published online.
- Parole board and PSRB hearings are still available through a public records request.
- Background on the Commission on Statewide Law Enforcement Standards of Conduct and Discipline.
- *State v. Peterson* (2023)
- The situations where there no longer is a duty to report a collision.
- The responsibilities of humane special agents.
- The ability of accessing DMV records for humane special agents is key to identifying suspects of animal welfare offenses.
- Without statutory authority, state public defenders are unable to open IOLTA accounts.
- Having an IOLTA is necessary to resolve criminal cases through civil compromise.

EFFECT OF AMENDMENT:

-6 **IOTLA Accounts for OPDC:** Establishes the Oregon Public Defense Commission (OPDC) Lawyer Trust Account in the State Treasury, separate and distinct from the General Fund. Declares an emergency, effective on passage.

-7 **Hit and Run:** Expands the location of the crime for hit and run of property to any highway or premises open to the public or any premises adjacent to a highway or premises open to the public. Expands crime of hit and run of

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an injured person to any location. Clarifies the mental state. Aligns collision reporting requirement. Replaces the word "accident" with "collision".

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Humane Special Agents: Permits humane investigative agencies to request a fingerprint-based criminal records check for people who are employed or applying for employment by the agency or who provide services or seek to provide services to the agency as a contractor, vendor, or volunteer.

DMV Suspension records: Allows data prepared by the Department of Transportation that details the driver's record to be admitted into evidence for prosecutions of driving while suspended or revoked offenses.

IOTLA Accounts for OPDC: Establishes the Oregon Public Defense Commission (OPDC) Lawyer Trust Account in the State Treasury, separate and distinct from the General Fund. Declares an emergency, effective on passage.

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Human Special Agents: Permits humane investigative agencies to request a fingerprint-based criminal records check for people who are employed or applying for employment by the agency or who provide services or seek to provide services to the agency as a contractor, vendor, or volunteer. Declares an emergency, effective on passage.

DMV Suspension records: Allows data prepared by the Department of Transportation that details the driver's record to be admitted into evidence for prosecutions of driving while suspended or revoked offenses. Declares an emergency, effective on passage.

IOLTA Accounts for OPDC: Establishes the Oregon Public Defense Commission (OPDC) Lawyer Trust Account in the State Treasury, separate and distinct from the General Fund. Clarifies that OPDC (not the Treasury) is the proper the entity to create any subaccounts. Declares an emergency, effective on passage.

Hit and Run: Expands the location of the crime for hit and run of property to any highway or premises open to the public or any premises adjacent to a highway or premises open to the public. Expands crime of hit and run of an injured person to any location. Clarifies the mental state. Aligns collision reporting requirement. Replaces the word "accident" with "collision". Operative date of January 1st, 2025.

BACKGROUND:

Abuse of a corpse in the first degree that involves sexual activity: While there are exceptions, being convicted of a sex offense requires the individual to register as a sex offender. [ORS 163A.010](#). Registration is a lifetime requirement, but depending on the sex offender classification level determined by the Oregon State Parole Board, it can be relieved as early as five years after the supervision of the sex crime is terminated. A sex offense designation can impact future expungement eligibility of the offense and sentencing implications for any new sex offense conviction.

Humane Special Agents: Oregon law allows the Department of State Police to designate employees of a humane investigative agencies as humane special agents to cooperate with law enforcement agencies in enforcing and investigating violations of animal welfare laws. [ORS 181A.340–345](#). The Department of Motor Vehicles (DMV) may disclose certain personal information to be disclosed to a variety of entities, including private investigators, researchers, insurers, and government agencies. [ORS 802.179](#). The DMV may disclose driver license photos and signatures only to "law enforcement officials" and DMV employees. [ORS 807.115](#).

Humane investigative agencies, in addition to employing humane special agents, employ staff who care for animals related to animal cruelty investigations. Various agencies, including both state and local governmental agencies and some private entities, are able to request fingerprint-based background checks for employment or licensing purposes under [ORS 181A.190–.255](#).

Commission on Statewide Law Enforcement Standards of Conduct (LESC) and Discipline Definitions: During the 2023 session, the Legislative Assembly passed [SB 808](#), which modified the definitions of “law enforcement officer” (LEO) and “law enforcement agency” (LEA) for purposes of the Commission. In SB 808, LEO means corrections officers, parole and probation officers, police officers, certified reserve officers, and reserve officers. Within the statutes that govern the commission, there remain references to definitions for LEO and LEA that are narrower than the definition created in SB 808. This amendment would correct which definitions are referred to as it relates to the Commission.

Parole Board and PSRB Publishing Exemption: During the 2023 session, the Legislative Assembly passed [SB 11](#), which required state boards or commissions that conduct public meetings to record and promptly publish meeting recordings online, with certain exceptions. ORS 192.690(1) currently exempts the deliberations of both the Parole Board and PSRB from public meetings laws. This measure would also exempt the Parole Board and the PSRB from the SB 11 publishing requirements for meetings.