

OREGON DISTRICT ATTORNEYS ASSOCIATION

2025 PROACTIVE LEGISLATIVE AGENDA



SUPPORT HB 2470 – BEHAVIORAL HEALTH PACKAGE

Directs the State to build new capacity for inpatient psychiatric patients, including State and Community Hospital Beds. Modifies timing requirements for evaluations. Requires equal access to treatment records. Modifies definition of “Qualifying Mental Disorder” and expands Subject Acts to include Attempts and Other Circumstances. Requires a status report to the court within 48 hours if the defendant is not in compliance. Allows the court to order an in-custody jail-based mental health treatment restoration program. Invests in the Office of the Public Guardian with funds earmarked toward the aid and assist population.

SUPPORT HB 2474 & SB 640 – KIDS PACKAGE

Extends protections to all kids and provides a more uniform approach to the seriousness of crimes against children.

SUPPORT HB 2473 – PROCESS EFFICIENCIES

New Court Process Efficiencies including: Authenticating Records, Expedited Grand Jury Transcript Request and Release, Imaging Digital Devices of Homicide Victims, Updating Mobile Tracking Device Searches and Modifications to Release Agreement Violations.

SUPPORT HB 2466 & SB 277 – EXTRADITION FIX

Technical Fix to Oregon’s Extradition Law that will allow law enforcement to enter into an international extradition agreement to return a person to Oregon who has fled the State and where a warrant has been issued.

SUPPORT HB 3097 & SB 623 – FELONY ELUDE

Common sense sentence enhancements to create a deterrence for persons who habitually elude police officers, often driving recklessly at high speeds and while impaired.

SUPPORT HB 2974 & SB 617 – PARRA-SANCHEZ FIX

Important fix to ensure State can prosecute offenders who secretly record children in the nude and distribute or sell the recording.

SUPPORT HB 2471 & SB 617 – MEISER FIX

Tightens the requirements for a GEI defense by making it clear that a defendant's incapacity or inability was “primarily” the result of a qualifying mental disorder.

SUPPORT HB 2975 & SB 178 – MILES FIX

Ensures the State recognizes the distinct nature of the harm caused by two separate acts. For example, strangulation and assault, particularly in terms of domestic violence cases.

SUPPORT HB 2468 & SB 178 – DISCOVERY FEE

Clarifies law to ensure counties can continue to charge reasonable fee to reimburse costs of providing discovery.

SUPPORT CRIME VICTIMS



**VOTE
YES!**

HB 2466 & SB 277



NARROW FIX TO OREGON'S EXTRADITION LAW

The federal government requires the local District Attorney and Sheriff to sign an agreement in order to process an international extradition on a criminal case. More often than not these extradition agreements are only used on the most serious of cases and involve an Oregon crime victim.

Unfortunately, the plain language of the current law prohibits law enforcement from sharing information to a federal immigration authority if it's not for a reason currently outlined in ORS 181A.823.

HB 2466 and SB 277 seek to remedy this problem by adding a very narrow exception in ORS 181A.823 that will allow law enforcement to enter into an international extradition agreement to return a person to Oregon who has fled the State and where a warrant has been issued. This urgent fix is needed as Oregon has at least three pending cases where the charges range from aggravated murder to child sex abuse charges.

— Oregon District Attorneys Association —

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SUPPORT HB 3097 & SB 623 KEEPING OUR STREETS SAFE



Fleeing or attempting to elude a police officer not only puts the suspect and officer at risk but everyone on the road. Current Oregon law does not include a penalty enhancement for when this behavior includes aggravating circumstances, like having a child in the car or if the fleeing results in physical injury to another person.

HB 3097 & SB 623 proposes three enhancements to the crime of "Fleeing or attempting to elude police officers" (ORS 811.540):

- Increases from a crime category of 2 to 6 if the defendant also violates the careless driving statute or is driving impaired (DUII) or if the act results in damage to the property of another person.
- Further enhances the crime category to a level 8 if the defendant:
 - Has a prior conviction for fleeing/eluding police officer
 - Has a minor passenger in the car
 - Also violates reckless driving law
 - Also commits crime of reckless endangering another person
 - Act results in physical injury to another person
- Makes eluding a police officer, where the actions result in physical injury to another person, a "person felony" for the purposes of sentencing

HB 3097 and SB 623 proposes common sense sentence enhancements to create a deterrence for persons who habitually elude police officers, often driving recklessly at high speeds and while impaired. Eluding a police officer while in a motor vehicle is a significant risk to the safety of persons and property in our communities.

SUPPORT HB 2474 & SB 640



HB 2474 AND SB 640 EXTENDS PROTECTIONS TO ALL KIDS AND PROVIDES A MORE UNIFORM APPROACH TO THE SERIOUSNESS OF CRIMES AGAINST CHILDREN.

Modernizes family terms and eliminates disparities in sentencing, particularly for crimes involving child victims:

“SPOUSE FIX”

Today some of Oregon’s most serious child sex abuse crimes of Rape in the First Degree and Sodomy in the First Degree rely on an antiquated definition of a person’s “spouse” requiring marriage. However, many people today have children, or blended families, and are not legally married. As a result, if a serious sex crime occurs to a child the non-married offender is not considered a “spouse” as that term is currently defined by law. This can create a significant disparity in sentencing when the victim is a child, the difference can be 100 months vs. up to 30 days. The solution is to expand who qualifies as a spouse for the purposes of these crimes against children to include a former spouse, sexually intimate partner, or former sexually intimate partner.

“SIBLING FIX”

Similarly, both Rape in the First Degree and Sodomy in the First Degree rely on the terms ‘whole or the half-blood’ siblings when assessing these crimes where a victim is at least under 16 years of age. HB 2474 and SB 640 proposes to replace these terms with the more appropriate ‘biological or adopted child’.

“FAMILY FIX”

HB 2474 and SB 640 also seeks to align these major felony child sex crimes and how they treat victims under 16 years of age when the perpetrator has a family connection. This is already the case for Rape and Sodomy, but is currently missing from the Unlawful Sexual Penetration law.

Extend Protection to All Kids:

HB 2474 and SB 640 also seeks to expand the crime of Assault in the Third Degree to all kids under 18 (currently 10 years of age or younger) and applies the same enhanced consideration for child victims of Strangulation under 18 years of age (currently under 10 years of age). These age distinctions are significant to how the defendant is possibly sentenced. For example, it is currently a Class C Felony to assault or strangle a 10-year-old child or younger, but only a Class A Misdemeanor to cause the same harm to an 11-year old child.



SUPPORT HB 2473

COURT PROCESS EFFICIENCIES

AUTHENTICATING RECORDS:

Restore the law's original intent to reduce costs and improve Court efficiency.

EXPEDITED GRAND JURY TRANSCRIPT REQUEST AND RELEASE:

Reduce unnecessary delays in discovery, streamline the case process, and keep cases moving forward more efficiently, while still maintaining safeguards for sensitive victim information.

IMAGING DIGITAL DEVICES OF HOMICIDE VICTIMS:

Address the unique challenges posed in homicide or suspicious death investigations, where time-sensitive evidence stored on digital devices could be crucial to solving the case.

UPDATE MOBILE TRACKING DEVICE SEARCHES:

Expand tracking authority to recently committed crimes.

MODIFICATIONS TO RELEASE AGREEMENT VIOLATIONS:

A narrow fix to clarify when and how an individual can be held if they violate their terms of release and were not previously held in custody.



SUPPORT HB 2473 COURT PROCESS EFFICIENCIES

AUTHENTICATING RECORDS:

Restore the law's original intent to reduce costs and improve Court efficiency.

Current law allows a party to introduce records at trial and forgo the formalities of calling a custodian of record as a witness. This is allowed by the record holder providing a "declaration" or "affidavit" attesting to the authenticity of the document. The law was originally intended to streamline the process of introducing records at trial, allowing parties to avoid the costly and time-consuming process of bringing a custodian of records to testify by allowing for the use of affidavits or declarations verifying the authenticity of records. When ORS 136.583 was passed in 2009 through HB 2502, it aimed to ensure that records from out of state companies were available to litigants to avoid the expense of the subpoena process. Unfortunately, the changes made are so narrowly drafted that many out of state record providers certificates are not satisfying the hyper technical language contained in current law. These changes to ORS 136.583(6) and (11)(c) return to the intent of the law and allow for the introduction of these records when made correctly, under penalty of perjury and signed by the custodian of records.

EXPEDITED GRAND JURY TRANSCRIPT REQUEST AND RELEASE

Reduce unnecessary delays in discovery, streamline the case process, and keep cases moving forward more efficiently, while still maintaining safeguards for sensitive victim information.

Under current law, Grand Jury recordings cannot be released until ten days have passed after the Grand Jury proceedings. This waiting period delays discovery and prolongs the Court Process with potential continuances and rescheduling, frustrating the system for all involved. A simple fix is needed to amend ORS 132.270 to allow the prosecuting attorney to make an expedited determination of whether a protective order is needed, and if no protective order is sought then the Court can immediately release Grand Jury recordings prior to the expiration of the 10-days.

MODIFICATIONS TO RELEASE AGREEMENT VIOLATIONS

A narrow fix to clarify when and how an individual can be held if violate their terms of release and were not previously held in custody.

ORS 135.240(4)(f) allows for the revocation of release for defendants charged with violent felonies who violate release conditions. However, the statute creates confusion when preventative detention was not initially sought or granted. While defendants who commit new crimes while on release may be brought back into custody, the law is less clear when the violation involves non-criminal behavior, including violating a no-contact provision, violating house arrest conditions or failing to comply with monitoring restrictions (like cutting off an ankle bracelet or entering a restricted zone). While these may not constitute new crimes, they pose serious safety risks and show a disregard for the court's release conditions. The proposed fix would address the current ambiguity in the law regarding the revocation of release for defendants who violate conditions of release, particularly when charged with a violent felony. The clarification that a motion for preventative detention may be filed at any time upon a violation of release conditions—regardless of whether a motion was filed earlier or whether it was previously denied—would strengthen the court's ability to protect public safety and ensure that release conditions are effectively enforced.

IMAGING DIGITAL DEVICES OF HOMICIDE VICTIMS

Address the unique challenges posed in homicide or suspicious death investigations, where time-sensitive evidence stored on digital devices could be crucial to solving the case.

ORS 133.539, which governs law enforcement's ability to create a forensic image of a digital device, limits gathering information from that device unless they have consent or a search warrant. While this procedure is clear in cases where the individual who owns or possesses the device is alive and can either consent or refuse, it presents significant challenges in homicide investigations where the device belongs to a deceased person. In addition, identifying next of kin, who might have standing to consent, can be difficult; and presents greater challenges when the next of kin are a suspect in the case. Early in a homicide investigation, when time is most critical, law enforcement may not have enough information to establish probable cause that the deceased's device contains evidence which would prevent them from obtaining a search warrant. Digital evidence can degrade or become less useful over time. If critical evidence is stored on a device, delays in accessing that device could result in the loss or alteration of that evidence. In homicide cases, where time is often of the essence to gather evidence and build a case, this delay can be detrimental. The solution is to create a narrow exception for obtaining information from portable electronic devices in ORS 133.539 to allow access to a device if the user is deceased and the death is the subject of a law enforcement investigation.

UPDATE MOBILE TRACKING DEVICE SEARCHES

Expand tracking authority to past crimes and address instrumentalities and proceeds of crime.

ORS 133.619(6) allows for the use of mobile tracking devices to track individuals or locate instrumentalities of current or on-going crimes, but it doesn't include recently committed crimes. This addition to Oregon's mobile tracking device warrant law would help law enforcement locate offenders, recover stolen property, and seize weapons that may have been used to facilitate previous offenses, after the crime has already occurred.