

HB 4157 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Meeting Dates: 2/9, 2/16

WHAT THE MEASURE DOES:

The measure adds a new exception to the "hearsay rule" of the Oregon Evidence Code for statements related to crimes of *trafficking in persons, purchasing sex with a minor, promoting prostitution, compelling prostitution*, or attempts, conspiracies, or solicitations of any of those crimes involving a commercial sex act if the statement was made by a victim within 24 hours after the commercial sex act, was recorded or made to certain law enforcement or emergency personnel, and has sufficient indicia of reliability. The measure provides that the court must consider in determining whether the statement has sufficient indicia of reliability. The measure takes effect on the 91st day after adjournment sine die.

Fiscal Impact: Has minimal fiscal impact

Revenue Impact: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under the Oregon Evidence Code, "hearsay" is generally not admissible unless an exception exists. ORS 50.455. "Hearsay" is a statement made by someone other than the person testifying that is offered as evidence to prove that what was said in the statement is true. ORS 40.450. Quite a few exceptions to the hearsay rule exist, listed in Rule 803, such as statements of a state of mind, statements made for the purpose of medical diagnoses, certain kinds of records, and many others. One such exception excludes a statement "that purports to narrate, describe, report or explain an incident of domestic violence...made by a victim of the domestic violence within 24 hours after the incident occurred" where the statement was either recorded or made to certain law enforcement or emergency personnel and has "sufficient indicia of reliability." ORS 40.460(26).