

2009 ODAA Legislative Concepts

#	Summary	OCDLA Ranking
1	Amendments to ORS 137.225 (expungement). One year waiting period for expungement of an arrest may be waived with the consent of the DA when no accusatory instrument has been filed. Convictions that would not be expungeable: any crime that would constitute child abuse under ORS 419B.005; Criminally Negligent Homicide; any criminal offense that involved the operation of a motor vehicle; GEI of Ag Murder, Murder, Manslaughter I and II, Criminally Negligent Homicide and Ag Vehicular Homicide; any crime where the defendant and victim is as family or household members (ORS 135.230(4)); and persons who are not US citizens or permanent resident aliens of US. Adds “sex crime” definition as that in ORS 181.594. Requires consent of victim where the offense involved serious physical injury or death to another.	1
2	DA/DDA/AG personal information cannot be published by any governmental agency	4
3	Amend ORS to modify the result in <i>State v. Crosby</i> regarding proof required to show “reckless” intent for either definition (either a specific result or a particular circumstance).	1
4	Amend venue in stalking cases to allow conduct in multiple counties to be tried in a single venue.	2
5	Allow financial companies to appear by affidavit in grand jury for purpose of authenticating records.	2
6	Provide an exception to the husband-wife privilege where an offense is against a minor child to whom the spouse has a legal or contractual duty.	1
7	Amend ORS 40.255 Rule 505 to modify husband-wife privilege to no longer apply if either party has divulged the contents of a communication to a 3d person.	1
8	Amend juvenile code to add provision from criminal code prohibiting defense counsel from giving victim information to youth offender.	3
9	Limit DUII diversion to only one diversion during a person’s lifetime.	1
10	Prohibit counties from reducing supplement pay during a DA’s term of office.	4
11	Expand impeachable offenses in ORS 609 to include “statutory counterparts” from other states.	1
12	Amend ORS 166.270 to specifically prohibit felons from having electronic immobilization devices (Tasers).	1
13	Decrease the frequency of parole hearings for pre-guidelines cases – five years, unless board finds substantial and compelling reasons to consider parole less than 5 years – in the latter case, no less than 2 years.	1
14	Extend the evidentiary exception to the hearsay rule to interpreters. When an interpreter is used in court or during an officer interview both the testimony and the interpreter’s repetition of the testimony is considered hearsay and separate rulings are required for each in order to obtain an exception to the hearsay rule.	1
15	Amend ORS 163.165 (Assault III) to include any assault on a person over 65 years of age.	1

16	Create enhancement factors for Attempt to Elude that if proven raise the level from a "2" to an "8", where any of the following are present: prior conviction for felony Attempt to Elude; defendant is DUII or DWS (misdemeanor or felony) at the time of the Attempt to Elude; speeds in excess of 80 mph; reckless driving; or passenger in vehicle.	1
17	Add to Assault III – Defendant intentionally or knowingly causes substantial physical injury to the victim and define "substantial physical injury" to be: 1. physical injury which causes temporary, but extended, impairment of health, disfigurement of the body, impairment of any bodily function, or use of any bodily organ - including, but not limited to, broken bones, severely swollen body parts, cuts requiring stitches, loss of significant amounts of blood and the removal of skin or hair; 2. physical injury which causes temporary, but extended pain or discomfort. The latter "physical injury" is defined as impairment of physical condition or substantial pain, including, but not limited to, scratches, cuts, bruises, bumps and burns.	1+