

A-Engrossed House Bill 2462

Ordered by the House April 3
Including House Amendments dated April 3

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Military and Veterans Law Section)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs court to, at time of arraignment, notify defendant that status as servicemember may make defendant eligible for treatment programs, **diversion**, specialty courts or sentencing mitigation. Prohibits use of defendant's status as servicemember from being used as aggravating factor for purposes of sentencing.

[Directs court to, upon dismissal or entry of judgment in criminal proceeding, provide Oregon Criminal Justice Commission with specified information concerning defendant when court has been notified that defendant is servicemember. Directs commission to provide biannual report to Legislative Assembly on information received from courts concerning servicemember defendants.]

[Directs Department of Veterans' Affairs to conduct study on establishing pilot program with purpose of assisting servicemembers involved in criminal justice system and present report on findings to interim committees of Legislative Assembly related to veterans' affairs on or before September 15, 2020.]

[Takes effect on 91st day following adjournment sine die.]

A BILL FOR AN ACT

1
2 Relating to persons with military service involved in the criminal justice system.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** (1) **As used in this section, "servicemember" means a person who is a**
5 **member, or who served as a member, of the Armed Forces of the United States, the reserve**
6 **components of the Armed Forces of the United States or the National Guard.**

7 (2) **At the time of arraignment on a criminal charge, the court shall inform the defendant**
8 **that the defendant's status as a servicemember may make the defendant eligible for treat-**
9 **ment programs, diversion, specialty courts or mitigated sentencing, and that the defendant**
10 **may obtain information about these options by consulting with the defendant's attorney.**

11 (3) **In a criminal proceeding the defendant's attorney may, with the permission of the**
12 **defendant, notify the court that the defendant is a servicemember.**

13 (4) **The fact that a defendant is a servicemember may not be used as an aggravating**
14 **factor in determining the defendant's sentence.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.