

SENATE AMENDMENTS TO SENATE BILL 978

By COMMITTEE ON JUDICIARY

June 3

1 On page 1 of the printed bill, line 2, after “information” delete the rest of the line and line 3
2 and insert “; amending ORS 135.815.”

3 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 135.815 is amended to read:

5 “135.815. (1) Except as otherwise provided in ORS 135.855 and 135.873, the district attorney shall
6 disclose to a represented defendant the following material and information within the possession or
7 control of the district attorney:

8 “(a) The names and addresses of persons whom the district attorney intends to call as witnesses
9 at any stage of the trial, together with their relevant written or recorded statements or memoranda
10 of any oral statements of such persons.

11 “(b) Any written or recorded statements or memoranda of any oral statements made by the de-
12 fendant, or made by a codefendant if the trial is to be a joint one.

13 “(c) Any reports or statements of experts, made in connection with the particular case, including
14 results of physical or mental examinations and of scientific tests, experiments or comparisons which
15 the district attorney intends to offer in evidence at the trial.

16 “(d) Any books, papers, documents, photographs or tangible objects:

17 “(A) Which the district attorney intends to offer in evidence at the trial; or

18 “(B) Which were obtained from or belong to the defendant.

19 “(e) If actually known to the district attorney, any record of prior criminal convictions of per-
20 sons whom the district attorney intends to call as witnesses at the trial; and the district attorney
21 shall make a good faith effort to determine if such convictions have occurred.

22 “(f) All prior convictions of the defendant known to the state that would affect the determi-
23 nation of the defendant’s criminal history for sentencing under rules of the Oregon Criminal Justice
24 Commission.

25 “(2)(a) If a defendant is not represented by a lawyer, the district attorney shall disclose to the
26 defendant all of the information described in subsection (1) of this section except for the [*addresses*
27 *and telephone numbers*] **personal identifiers** of the victim and any witnesses.

28 “(b) Notwithstanding paragraph (a) of this subsection, the district attorney shall disclose the
29 [*addresses and telephone numbers*] **personal identifiers** of the victim and any witnesses if the trial
30 court orders the disclosure. A trial court shall order the district attorney to disclose the [*addresses*
31 *and telephone numbers*] **personal identifiers** of the victim and any witnesses if the trial court finds
32 that:

33 “(A) The defendant has requested the information; and

34 “(B)(i) The victim or witness is a business or institution and disclosure of the information would
35 not represent a risk of harm to the victim or witness; or

1 “(ii) The need for the information cannot reasonably be met by other means.

2 “(3)(a) Unless authorized by the trial court to disclose the information, a lawyer representing a
3 defendant, or a representative of the lawyer, may not disclose to the defendant [*the address or tele-*
4 *phone number*] **personal identifiers** of a victim or witness obtained under subsection (1) of this
5 section.

6 “(b) The trial court shall order the lawyer, or representative of the lawyer, to disclose to the
7 defendant the [*address and telephone number*] **personal identifiers** of a victim or witness if the court
8 finds that:

9 “(A) The defendant’s lawyer has requested the district attorney to disclose the information to
10 the defendant;

11 “(B) The district attorney has refused to disclose the information to the defendant; and

12 “(C) The need for the information cannot reasonably be met by other means.

13 “(4) As used in this section:

14 “(a) **‘Personal identifiers’ means a person’s address, telephone number, Social Security**
15 **number and date of birth and the identifying number of a person’s depository account at a**
16 **financial institution, as defined in ORS 706.008, or credit card account.**

17 “[(a)] (b) ‘Representative of the lawyer’ has the meaning given that term in ORS 40.225.

18 “[(b)] (c) ‘Represented defendant’ means a defendant who is represented by a lawyer in a crim-
19 inal action.”.

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