

FULL TEXT OF BALLOT TITLES—PRIMARY ELECTION—MAY 20, 2008

STATE OF OREGON

ONLY THE CAPTION AND QUESTION WILL APPEAR ON YOUR OFFICIAL BALLOT AND ONLY THE APPROPRIATE MEASURES FOR EACH PRECINCT WILL APPEAR ON THAT PRECINCT'S BALLOT.

STATE MEASURES

REFERRED TO THE PEOPLE
BY THE LEGISLATIVE ASSEMBLY

51 AMENDS CONSTITUTION: ENABLES CRIME VICTIMS TO ENFORCE EXISTING CONSTITUTIONAL RIGHTS IN PROSECUTIONS, DELINQUENCY PROCEEDINGS; AUTHORIZES IMPLEMENTING LEGISLATION

RESULT OF "YES" VOTE: "Yes" vote provides crime victims effective court processes to enforce existing constitutional rights regarding participation, restitution in criminal prosecutions/juvenile delinquency proceedings; authorizes implementing legislation.

RESULT OF "NO" VOTE: "No" vote retains provisions giving crime victims specified constitutional rights in prosecutions/juvenile delinquency proceedings, but denying victims effective court processes to enforce these rights.

SUMMARY: Amends Oregon Constitution. Current constitution gives crime victims specified rights in criminal prosecutions/juvenile delinquency proceedings (including rights to: be present during specified proceedings, refuse defendants' discovery requests, receive restitution, obtain transcripts, consult about specified plea negotiations), but constitution denies victims effective processes for enforcing these rights in court. Measure provides victims shall have remedy by due course of law for violations of these constitutional rights. Measure provides victims may assert claim based on these rights in pending cases or, absent pending cases, by mandamus. Authorizes legislature to enact implementing legislation. Measure does not allow victims to obtain compensation, invalidate an accusatory instrument, conviction or adjudication, terminate a criminal or juvenile delinquency proceeding, or suspend such proceeding if suspension would violate defendant's constitutional rights. Other provisions.

ESTIMATE OF FINANCIAL IMPACT: The direct financial impact to state and local governments is indeterminate because the impact depends on how often a victim would choose to bring an enforcement action to protect rights guaranteed under section 42, Article I of the Oregon Constitution, but denied by the court, district attorney or other public agency. These additional challenges could arise before a criminal case is filed, after a case is filed, and after the entry of a final judgment in a criminal case. Actions could be pursued in cases involving person and property crimes in violation, misdemeanor and felony cases, and the victim could file an enforcement action more than one time in a single case. Some cases involve multiple victims, each of whom could bring an individual enforcement action. The measure authorizes the legislature to enact laws providing detailed procedures for claims by victims, including the establishment of reasonable limitations on the time allowed victims to assert their rights and prescribing procedures for appeal. Legislation providing such procedures and limitations could change the direct costs of this measure. Direct costs may also be impacted by the degree of change in the current practice of restitution orders and payment, how many new victims are identified by the court, and the number of challenges that are appealed to a higher court.

52 AMENDS CONSTITUTION: ENABLES CRIME VICTIMS TO ENFORCE EXISTING CONSTITUTIONAL RIGHTS IN PROSECUTIONS, DELINQUENCY PROCEEDINGS; AUTHORIZES IMPLEMENTING LEGISLATION.

RESULT OF "YES" VOTE: "Yes" vote provides crime victims court processes to enforce existing constitutional rights regarding protection from offenders throughout criminal prosecutions/juvenile delinquency proceedings; authorizes implementing legislation.

RESULT OF "NO" VOTE: "No" vote retains provisions giving crime victims specified constitutional rights in prosecutions/juvenile delinquency proceedings, but denying victims effective court processes to enforce these rights.

SUMMARY: Amends Oregon Constitution. Current constitution gives crime victims specified rights in criminal prosecutions/juvenile delinquency proceedings (including rights to: protection from offenders, have pre-trial release decisions based on principles of protection, have release prohibited under specified circumstances), but constitution denies crime victims processes for enforcing these rights in court. Measure provides victims shall have remedy by due course of law for violations of these constitutional rights. Measure provides victims may assert claim based on these rights in pending cases or, absent pending case, by mandamus. Authorizes legislature to enact implementing legislation. Measure does not allow victims to obtain compensation, invalidate an accusatory instrument, conviction or adjudication, terminate a criminal or juvenile delinquency proceeding, or suspend such proceeding if suspension would violate defendant's constitutional rights. Other provisions.

ESTIMATE OF FINANCIAL IMPACT: The direct financial impact to state and local governments is indeterminate because of the uncertainty of how many victims choose to bring an enforcement action to protect rights guaranteed under section 43, Article I of the Oregon Constitution, but denied by the court, district attorney or other public agency. The cost of this measure could increase the number of pretrial release hearings and increase the number of criminal defendants held and the length of incarceration before, during or after trials. Current provisions of the constitution establish a victim's right to be reasonably protected from the defendant during the criminal justice process, including pretrial detention of a criminal defendant. Current constitutional provisions require that there shall be no bail for a defendant accused of a violent felony where the defendant is a danger to the victim or others. Few of these criminal defendants awaiting trial are currently released, so the number of cases affected by this measure may be minimal. The measure authorizes the legislature to enact laws providing detailed procedures for claims by victims, including the establishment of reasonable limitations on the time allowed victims to assert their rights and prescribing procedures for appeal. Legislation providing such procedures and limitations could change the direct costs of this measure.

53 AMENDS CONSTITUTION: MODIFIES PROVISIONS GOVERNING CIVIL FORFEITURES RELATED TO CRIMES; PERMITS USE OF PROCEEDS BY LAW ENFORCEMENT.

RESULT OF "YES" VOTE: "Yes" vote amends constitution to allow civil forfeitures for crimes similar to crime of conviction, permits proceeds to be used for law enforcement; other changes.

RESULT OF "NO" VOTE: "No" vote retains constitutional provisions prohibiting civil forfeitures unless property is directly related to crime of conviction and prohibiting use of proceeds by law enforcement.

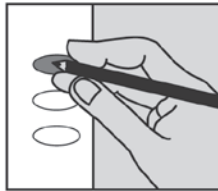
SUMMARY: Oregon's Constitution generally requires that property may be forfeited only if the owner is convicted of crime involving the property. Constitution currently prohibits use of proceeds for law enforcement purposes. Measure would allow civil forfeiture of property for crimes that are substantially similar to crime of conviction. Measure would permit forfeiture without conviction if the person took property with intent to defeat forfeiture, knew or should have known that the property constituted proceeds or instrumentality of criminal conduct, or acquiesced in criminal conduct. The measure requires proof by preponderance of evidence to forfeit personal property, and by clear and convincing evidence to forfeit real property. The measure provides an exemption for forfeiture of animals. The measure would allow using forfeiture proceeds for law enforcement purposes.

ESTIMATE OF FINANCIAL IMPACT: The direct financial impact of this measure to state and local governments is indeterminate due to the inability to accurately predict the number of civil forfeitures that may occur. If the frequency of civil forfeitures increases, then the amount of money going to the state and local jurisdictions will increase correspondingly. Any assets forfeited under this measure are distributed as follows: to the satisfaction of any foreclosed liens, security interests and contracts in the order of their priority; to the state or any of its political subdivisions for actual and reasonable expenses; and to the state or any of its political subdivisions for drug treatment programs. This measure will increase the revenue to the state and its political subdivisions, but the extent of the increase is unknown.

Voting Instructions on back.

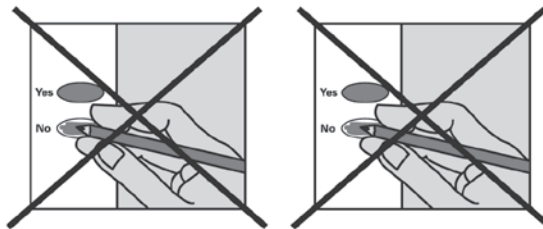
check your ballot!

Make sure you have completely filled in the ovals next to your choices.



If you vote for more candidates than allowed, or if you vote **both Yes and No** on a measure, it is called an overvote.

Your vote **will not count** for that candidate or measure.



You do not have to vote on all contests. Those you do vote on will still count.

Contact County Elections to request a replacement ballot if:

- you make a mistake
- your ballot is damaged or spoiled
- your ballot is lost

or for any other reason.

call 1 866 ORE VOTES/673 8683
se habla español

visit www.oregonvotes.org

tty 1 800 735 2900
for the hearing impaired