

Oregon Department of Justice

Office of the Attorney General

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HB 3443 – Bias Crime and Incident Statute Updates

Background:

Hate crimes and bias incidents are on the rise, both nationally and in Oregon.¹ Thankfully, the Oregon legislature has taken significant steps to improve our state's response to these incidents, and we now have the opportunity to do more.

In 2019, the Oregon legislature passed SB 577, which provides a victim-focused approach to addressing hate in Oregon. Specifically, the law:

- Updated Oregon's bias crime laws;
- Added "bias incidents" to Oregon's law;
- Created a statewide DOJ hotline to report bias;
- Added "gender identity" as a protected class;
- Requires law enforcement to refer all victims of bias incidents to support services; and
- Requires the Oregon Criminal Justice Commission (CJC) to issue an [annual report](#) with updated data each July.

[Oregon's Bias Response Hotline](#) continues to grow its scope and reach. The Hotline connects victims with trauma-informed, culturally and linguistically responsive, victim-centered advocates who provide support, referrals and systems navigation. The program also tracks and publishes data, disseminates community-specific reports, coordinates statewide bias-prevention initiatives, and provides training to culturally and population specific community agencies, law enforcement, prosecutors, and advocates.

In 2021, the Oregon legislature increased funding for the program, allowing DOJ to expand the services we provide, including hiring five regionally located, bi- and multi-lingual hotline advocates; a bias resource prosecutor and investigator to assist local law enforcement and district attorneys; an emergency fund and expanded counseling services for victims; community events, meetings, trainings,

¹ In 2022, [reports of bias crimes and bias incidents](#) were up 69% for the year, with 2,477 reports to DOJ's Bias Response Hotline as of the end of November.

and presentations across the state, including coordination of the first statewide multidisciplinary bias investigations training summit; numerous data reports, multi-lingual outreach and education materials, and an updated and re-issued [Law Enforcement Bias Response Toolkit](#).

Through our extensive work over the last several years, and informed by conversations with community-based organizations, victims and survivors, and law enforcement and prosecutors handling the important bias crime investigations and criminal cases, we have developed these proposed policy changes for the 2023 legislative session.

Concept:

HB 3443 includes the following updates to our bias crime and bias incident statutes:

- Ensure confidentiality of reports to DOJ's hate crimes hotline and information about such reports provided to the Criminal Justice Commission;
- Expand eligibility for DOJ's Address Confidentiality Program to include victims of bias crimes and incidents;
- Expand eligibility for protected leave from work to bias crime victims;
- Expand eligibility to break a lease without penalty bias crime victims;
- Provide all felony bias crime victims the right to be consulted regarding plea negotiations;
- Require the imposition of a mandatory no contact order to prevent defendants from engaging with victims of bias crimes during the pendency of a criminal prosecution;
- Direct DOJ to develop and deliver a training program for district attorney victim assistance programs to assist with providing services to bias crime victims; and
- Provide DOJ's bias crime and incident advocates with home-address confidentiality in DMV records.

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