

House Bill 2132

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

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 **as introduced**.

Provides that defendant must be substantially prejudiced by delay before court may dismiss accusatory instrument due to violation of speedy trial requirement.

A BILL FOR AN ACT

1
2 Relating to criminal procedure; creating new provisions; and amending ORS 135.747.

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

4 **SECTION 1.** ORS 135.747 is amended to read:

5 135.747. (1) If a defendant charged with a crime[, *whose trial has not been postponed upon the*
6 *application of the defendant or by the consent of the defendant,*] is not brought to trial within a rea-
7 sonable period of time, the court shall order the accusatory instrument to be dismissed[.] **if:**

8 (a) **The trial has not been postponed upon the application of the defendant or by the**
9 **consent of the defendant;**

10 (b) **The defendant has not willfully failed to appear at any point in the proceedings; and**

11 (c) **The defendant demonstrates that the defendant has been substantially prejudiced by**
12 **the delay.**

13 (2) **Delay caused by a lack of judicial resources, such as the unavailability of a judge, may**
14 **not be charged to either party for purposes of this section.**

15 **SECTION 2.** The amendments to ORS 135.747 by section 1 of this 2007 Act apply to of-
16 fenses committed on or after the effective date of this 2007 Act.
17

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.