

House Bill 2829

Sponsored by COMMITTEE ON JUDICIARY

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**.

Requires objection based on grounds that facts stated do not constitute offense be made at arraignment.

A BILL FOR AN ACT

1
2 Relating to demurrer in criminal case; amending ORS 135.640.

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

4 **SECTION 1.** ORS 135.640 is amended to read:

5 135.640. When the objections mentioned in ORS 135.630 appear upon the face of the accusatory
6 instrument, they can only be taken by demurrer, except that the objection to the jurisdiction of the
7 court over the subject of the accusatory instrument[, *or that the facts stated do not constitute an of-*
8 *fense,*] may be taken at the trial, under the plea of not guilty and in arrest of judgment. **The court**
9 **may allow an objection on the grounds that the facts stated do not constitute an offense to**
10 **be taken at a time other than at arraignment if the court finds exceptional circumstances.**

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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.