

**A-Engrossed**  
**Senate Bill 1095**

Ordered by the Senate February 13  
Including Senate Amendments dated February 13

Sponsored by Senator WHITSETT; Senators FERRIOLI, G GEORGE, L GEORGE, NELSON, STARR, WINTERS,  
Representatives FLORES, WHISNANT (Pre-session filed.)

**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.

Requires court to impose minimum \$500,000 security release amount for persons charged with manufacture[,] or delivery [*or possession*] of methamphetamine under certain circumstances. **Authorizes court to reduce security release amount to \$50,000 after hearing.**

**A BILL FOR AN ACT**

1  
2 Relating to methamphetamine.

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

4 **SECTION 1. (1) When a defendant is charged with an offense described in subsection (7)**  
5 **of this section, the court may not release the defendant on any form of release other than**  
6 **a security release and shall set a security amount of not less than \$500,000 if the court finds:**

7 (a) **Except when the defendant is charged by indictment, that there is probable cause to**  
8 **believe that the defendant committed the crime; and**

9 (b) **By clear and convincing evidence that there is a danger that the defendant will:**

10 (A) **Fail to appear in court at all appropriate times;**

11 (B) **Commit a new criminal offense; or**

12 (C) **Pose a threat to the reasonable protection of the public.**

13 (2) **If the defendant wants to have a hearing on the issue of release, the defendant must**  
14 **request the hearing at the time of arraignment in circuit court. If the defendant requests a**  
15 **release hearing, the court must hold the hearing within five days of the request.**

16 (3) **At the release hearing, unless the state stipulates to the setting of a security amount**  
17 **less than \$500,000, the court shall make the inquiry set forth in subsection (1) of this section.**  
18 **The state has the burden of producing evidence at the release hearing subject to ORS 40.015**  
19 **(4).**

20 (4) **The defendant may be represented by counsel and may present evidence on any rele-**  
21 **vant issue. However, the hearing may not be used for purposes of discovery.**

22 (5) **If the court determines that the defendant is eligible for a security amount of less**  
23 **than \$500,000, the court shall reduce the security amount to an amount not less than \$50,000**  
24 **and may set other appropriate conditions of release.**

25 (6) **When a defendant who has been released after posting the security amount described**  
26 **in subsection (5) of this section violates a condition of release and the violation:**

27 (a) **Constitutes a new criminal offense, the court shall cause the defendant to be taken**

**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.

1 **back into custody and shall impose a security amount of not less than \$500,000.**

2 **(b) Does not constitute a new criminal offense, the court may order the defendant to be**  
3 **taken back into custody, may order the defendant held pending trial and may set a security**  
4 **amount of not less than \$250,000.**

5 **(7) The offenses to which subsection (1) of this section applies are:**

6 **(a) Manufacture of methamphetamine under ORS 475.886.**

7 **(b) Manufacture of methamphetamine within 1,000 feet of a school under ORS 475.888.**

8 **(c) Delivery of methamphetamine within 1,000 feet of a school under ORS 475.892.**

9 **(d) Delivery of methamphetamine under ORS 475.890 if the delivery involves:**

10 **(A) Substantial quantities of methamphetamine under ORS 475.900 (1)(a)(C); or**

11 **(B) A commercial drug offense under ORS 475.900 (1)(b).**

12 **(e) Delivery of methamphetamine to a minor under ORS 475.906.**

13 **(8) Nothing in this section affects the ability of a county court or board of commissioners**  
14 **of a county to adopt or implement a jail capacity limit and action plan under ORS 169.042 to**  
15 **169.046.**

16 **SECTION 2. Section 1 of this 2008 Act is added to and made a part of ORS 135.230 to**  
17 **135.290.**

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