

SENATE AMENDMENTS TO SENATE BILL 1095

By COMMITTEE ON JUDICIARY

February 13

1 Delete lines 4 through 12 of the printed bill and insert:

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

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

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

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

9 **“(B) Commit a new criminal offense; or**

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

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

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

18 **“(4) The defendant may be represented by counsel and may present evidence on any rel-**
19 **evant issue. However, the hearing may not be used for purposes of discovery.**

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

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

25 **“(a) Constitutes a new criminal offense, the court shall cause the defendant to be taken**
26 **back into custody and shall impose a security amount of not less than \$500,000.**

27 **“(b) Does not constitute a new criminal offense, the court may order the defendant to**
28 **be taken back into custody, may order the defendant held pending trial and may set a secu-**
29 **rity amount of not less than \$250,000.**

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

31 **“(a) Manufacture of methamphetamine under ORS 475.886.**

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

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

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

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

