

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	4 - 0 - 1
Yeas:	Bonamici, Boquist, Dingfelder, Prozanski
Nays:	0
Exc.:	Whitsett
Prepared By:	Anna Braun, Counsel
Meeting Dates:	5/4, 5/12

WHAT THE MEASURE DOES: Presumes that an extradition that occurs within 90 days after the date defendant has been delivered to an agent of the state has been conducted with all practicable speed.

ISSUES DISCUSSED:

- Use of US Marshall service for extradition
- Question on practice in other states

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 136.290 requires a defendant who is in custody to be tried no more than 60 days after the time of arrest. After 60 days a defendant must be released. Under ORS 136.295(2), an extradited defendant must be tried or released within 60 days from the date the defendant enters the state, provided that law enforcement authorities have conducted the extradition with all practicable speed. Currently, all practicable speed is not defined by statute, but is determined on a case-by-case analysis. HB 2269 A creates the presumption that an extradition is conducted with all practicable speed if it has been conducted within 90 days after the date the defendant has been delivered to an agent of this state.

HB 2269 A seeks to solve the problem that arises when extradition delays beyond the state's control require a pre-trial release. This was a problem in *Owens v. Giusto*, S055188, an original habeas case decided by the Oregon Supreme Court on August 27, 2007. In that case, because it took 72 days to extradite Ms. Owens from Minnesota (because the federal government is in charge of the extradition procedures), the Supreme Court ordered Owens to be immediately released, even though she had been in custody in Oregon for less than 30 days.