

**B-Engrossed**  
**House Bill 2874**

Ordered by the Senate June 2  
Including House Amendments dated April 29 and Senate Amendments  
dated June 2

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.

Grants certain rights to victims of criminal act. Limits remedy for violation of right. Creates procedures for asserting rights.

**A BILL FOR AN ACT**

1  
2 Relating to victims of crime.

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

4 **SECTION 1. (1) A victim in a criminal or juvenile delinquency proceeding has the fol-**  
5 **lowing rights:**

6 **(a) The right to have the trial or adjudication, including the imposition and execution of**  
7 **the sentence or disposition, conducted with all practicable speed.**

8 **(b) The right to the prompt and final conclusion of the criminal or juvenile delinquency**  
9 **proceeding in any related appellate or post-judgment proceeding.**

10 **(2) The sole remedy for a violation of the rights described in subsection (1) of this section**  
11 **is for the trial or proceeding to promptly occur or for the sentence to be promptly imposed**  
12 **or executed. This remedy may not be imposed if the remedy would:**

13 **(a) Affect the defendant's due process right to adequately prepare and present a defense;**

14 **(b) Impair the right of the defendant to a fair and impartial hearing in accordance with**  
15 **the Oregon and United States Constitutions; or**

16 **(c) Impair the ability of the state to prepare and locate witnesses.**

17 **(3) Nothing in this section authorizes:**

18 **(a) The dismissal of a criminal or juvenile delinquency proceeding;**

19 **(b) The imposition of sanctions against the state or the defendant; or**

20 **(c) A court to sever into separate trials or proceedings a single charging instrument al-**  
21 **leging criminal acts committed against multiple victims.**

22 **(4) Upon the victim's request, the state may assert the rights of the victim on behalf of**  
23 **the victim.**

24 **(5) A victim who intends to assert a right described in this section must assert the right:**

25 **(a) Orally, at any critical stage of the proceedings as described in section 42, Article I**  
26 **of the Oregon Constitution; or**

27 **(b) In writing, after providing a copy to the parties.**

28 **(6) When a victim asserts a right described in this section, the court may hold a hearing**

**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 or resolve the issue based on the record of the case.

2 (7) As used in this section, "victim" means any person determined by the prosecuting  
3 attorney or the court to have suffered direct financial, psychological or physical harm as a  
4 result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.

5

---