

Enrolled
House Bill 2874

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to victims of crime.

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

SECTION 1. (1) A victim in a criminal or juvenile delinquency proceeding has the following rights:

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

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

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

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

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

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

(3) Nothing in this section authorizes:

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

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

(c) A court to sever into separate trials or proceedings a single charging instrument alleging criminal acts committed against multiple victims.

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

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

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

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

(6) When a victim asserts a right described in this section, the court may hold a hearing or resolve the issue based on the record of the case.

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

Passed by House May 4, 2009

Repassed by House June 9, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 4, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State