

SENATE AMENDMENTS TO SENATE BILL 242

By COMMITTEE ON JUDICIARY

March 6

1 On page 1 of the printed bill, line 18, delete the colon and insert “constitutes a material element
2 of the charged offense.”.

3 Delete lines 19 through 21.

4 On page 2, delete lines 37 through 39 and insert:

5 “(c) Be filed with the court and served on the district attorney within 35 days of the
6 arraignment, or of the defendant’s entry of the initial plea on an accusatory instrument, whichever
7 is sooner, unless a different time is permitted by the court for good cause shown.”.

8 On page 3, delete lines 5 through 9 and insert:

9 “(4) If the court determines that the defendant previously was convicted of the offense and that
10 the conviction is valid, or if the defendant does not file and serve a notice under subsection (1) of
11 this section, the previous conviction shall be admitted at trial or, if the previous conviction is rele-
12 vant to an enhancement fact described in ORS 136.770 (4) or 136.773 (1), during the sentencing phase
13 of the proceeding. If the previous conviction is admitted, the defendant may dispute whether the
14 defendant previously was convicted of the alleged offense but may not challenge the validity of the
15 conviction. If the previous conviction is a material element of the charged offense or is an en-
16 hancement fact, the state must prove the previous conviction beyond a reasonable doubt unless the
17 defendant stipulates to the fact of the previous conviction in accordance with section 2 of this 2009
18 Act.”.

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