REVENUE: No revenue impact
FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	2/10, 4/14, 4/20, 4/21

WHAT THE MEASURE DOES: Requires state to inform defendant of intent to rely on enhancement fact in writing no later than 60 days after defendant arraigned or waives arraignment or held following preliminary hearing, or 14 days before trial, whichever is earlier. Creates exception if parties agree or if court finds good cause for later date. Declares emergency, effective on passage.

ISSUES DISCUSSED:
- Provisions of measure
- Setting deadline from arraignment forward, versus backing-up from trial date

EFFECT OF COMMITTEE AMENDMENT: Modifies deadline for notice of enhancement fact to no later than 60 days after defendant arraigned or waives arraignment or held following preliminary hearing, or 14 days before trial, whichever is earlier, absent parties' agreement or good cause shown for a later date.

BACKGROUND: An enhancement fact is a sentence aggravator that is "constitutionally required to be found by a jury in order to increase the sentence that may be imposed upon conviction of a crime." (ORS 136.760(2).) Oregon currently requires the prosecution to inform an accused person of its intent to use an enhancement fact in its charging document or in writing "within a reasonable time" after filing charges. (ORS 136.765(1), (2).) A "reasonable time" is an adequate amount of time for an accused person to prepare a defense against the enhancement facts, and what constitutes an adequate amount of time will vary according to the unique context and circumstances of each individual case. *State v. Roberts*, 231 Or.App. 263, 219 P.3d 41 (2009).

Senate Bill 378 A comes from the Oregon Criminal Defense Lawyers Association to achieve greater certainty with regard to receipt of the state's notice of its intent to rely on enhancement facts.