

HOUSE AMENDMENTS TO HOUSE BILL 2663

By COMMITTEE ON JUDICIARY

April 28

1 In line 2 of the printed bill, delete “167.167” and insert “147.508, 147.512 and 147.515”.

2 Delete lines 4 through 18 and insert:

3 “**SECTION 1.** ORS 147.512 is amended to read:

4 “147.512. (1) Notwithstanding ORS 147.510, at the beginning of [*any*] **each judicial settlement**
5 **conference**, plea hearing [*and any*] **or** sentencing hearing, the prosecuting attorney shall inform the
6 court whether the victim is present. **If the victim is not present, the prosecuting attorney shall**
7 **inform the court whether the victim was informed of the conference or hearing.**

8 “(2) In any case involving a defendant charged with a violent felony:

9 “(a) If the victim requests, the prosecuting attorney shall make reasonable efforts to consult the
10 victim [*regarding plea discussions*] before making a [*final*] plea **offer and before entering into a**
11 **final plea** agreement.

12 “(b) Before the court accepts a plea of guilty or no contest:

13 “(A) If the victim is present, the court shall ask whether the victim **was consulted regarding**
14 **plea negotiations, if the victim** agrees or disagrees with the plea agreement as presented to the
15 court and whether the victim wishes to be heard regarding the plea agreement.

16 “(B) If the victim is not present, the court shall ask the prosecuting attorney whether the victim
17 requested to be [*notified*] **informed** and consulted regarding plea negotiations. If the victim made
18 such a request, the court shall ask the prosecuting attorney **what reasonable efforts to inform**
19 **and consult the victim concerning plea negotiations were made and** whether the victim agrees
20 or disagrees with the plea agreement.

21 “(c) If the court finds that the victim requested consultation regarding plea negotiations and
22 that the prosecuting attorney failed to make reasonable efforts to consult [*with*] the victim, the court
23 shall direct the prosecuting attorney to make reasonable efforts to consult [*with*] the victim and may
24 not accept the plea unless the court makes a finding on the record that the interests of justice re-
25 quire the acceptance of the plea.

26 “(3) Before the court imposes sentence, the court shall ask whether the victim wishes to express
27 the views described in ORS 137.013.

28 “**SECTION 2.** ORS 147.508 is amended to read:

29 “147.508. (1) At the request of a victim, the prosecuting attorney may request that the court
30 schedule a hearing to reconsider a release decision if:

31 “(a) The victim did not have notice of, or an opportunity to be heard at, a hearing in which the
32 court released the defendant from custody or reduced the defendant’s security amount; and

33 “(b) The victim’s request is made no later than [*seven*] **30** days after the victim knew or rea-
34 sonably should have known of the release decision that is to be reconsidered.

35 “(2) As used in this section, ‘release decision’ includes:

1 “(a) Decisions made at arraignment; and
2 “(b) Decisions made at hearings described in ORS 419C.273 (4)(b)(A) to (C).
3 “**SECTION 3.** ORS 147.515 is amended to read:
4 “147.515. (1) A victim who wishes to allege a violation of a right granted to the victim in a
5 criminal proceeding by section 42 or 43, Article I of the Oregon Constitution, shall inform the court
6 within [seven] **30** days of the date the victim knew or reasonably should have known of the facts
7 supporting the allegation. The victim shall describe the facts supporting the allegation and propose
8 a remedy.
9 “(2) The victim may inform the court of a claim:
10 “(a) On a form prescribed by the Chief Justice of the Supreme Court; or
11 “(b) On the record in open court and in the presence of the defendant and the prosecuting at-
12 torney.
13 “(3) If the victim informs the court of a facially valid claim on a form under subsection (2)(a)
14 of this section, the court shall promptly issue the order to show cause described in ORS 147.517.
15 “(4) If the victim informs the court of a facially valid claim orally under subsection (2)(b) of this
16 section and the court determines:
17 “(a) That each person entitled to notice of the claim and a reasonable opportunity to be heard
18 is present, the court shall hold a hearing under ORS 147.530 as soon as practicable; or
19 “(b) That any person entitled to notice of the claim and a reasonable opportunity to be heard
20 is not present, the court shall issue the order to show cause described in ORS 147.517.
21 “(5) If the court determines that the victim has not alleged a facially valid claim, the court shall
22 enter an order dismissing the claim. The order must:
23 “(a) Include the reasons the claim was dismissed;
24 “(b) Be without prejudice to file, within seven days from the date the victim receives the order
25 dismissing the claim, a corrected claim for the sole purpose of correcting the deficiency identified
26 by the court; and
27 “(c) Be in writing, unless the order is issued on the record in open court in the presence of the
28 victim, the prosecuting attorney and the defendant. If the court issues the order orally under this
29 paragraph, the court shall issue a written order as soon as practicable.
30 “(6) If a victim informs the court of a claim orally and the court does not immediately hear the
31 matter, the court may require the victim to complete the form described in subsection (2)(a) of this
32 section.”.

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