

**Enrolled**  
**Senate Bill 378**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Criminal Defense Lawyers Association)

CHAPTER .....

AN ACT

Relating to enhancement facts; creating new provisions; amending ORS 136.765; and declaring an emergency.

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

**SECTION 1.** ORS 136.765 is amended to read:

136.765. In order to rely on an enhancement fact to increase the sentence that may be imposed in a criminal proceeding, the state shall notify the defendant of its intention to rely on the enhancement fact by:

(1) Pleading the enhancement fact in the accusatory instrument; or

(2) [*Within a reasonable time after filing the accusatory instrument,*] Providing written notice to the defendant of the enhancement fact, and the state's intention to rely on it[.], **no later than 60 days after the defendant is arraigned on an indictment, waives indictment or is held to answer following a preliminary hearing, or 14 days before trial, whichever occurs earlier, unless the parties agree otherwise or the court authorizes a later date for good cause shown.**

**SECTION 2.** The amendments to ORS 136.765 by section 1 of this 2011 Act apply to criminal prosecutions commenced on or after the effective date of this 2011 Act.

**SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

**Passed by Senate May 3, 2011**

.....  
Robert Taylor, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House May 25, 2011**

.....  
Bruce Hanna, Speaker of House

.....  
Arnie Roblan, Speaker of House

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

.....  
Kate Brown, Secretary of State