

**A-Engrossed**  
**Senate Bill 378**

Ordered by the Senate April 29  
Including Senate Amendments dated April 29

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)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies period of time within which state must notify criminal defendant of intention to rely on enhancement fact.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to enhancement facts; creating new provisions; amending ORS 136.765; and declaring an  
3 emergency.

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

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

6 136.765. In order to rely on an enhancement fact to increase the sentence that may be imposed  
7 in a criminal proceeding, the state shall notify the defendant of its intention to rely on the en-  
8 hancement fact by:

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

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

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

17 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
19 on its passage.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.