

**SENATE AMENDMENTS TO  
SENATE BILL 378**

By COMMITTEE ON JUDICIARY

April 29

1 Delete lines 5 through 14 of the printed bill and insert:

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

3 “136.765. In order to rely on an enhancement fact to increase the sentence that may be imposed  
4 in a criminal proceeding, the state shall notify the defendant of its intention to rely on the en-  
5 hancement fact by:

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

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

12

---