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April 23, 2013

**Written Testimony of Rob Bovett before the
Oregon Senate Judiciary Committee
in Support of House Bill 2553**

Chair Prozanski, Vice-Chair Close, and Senators Dingfelder, Kruse, and Roblan,

Thank you for the opportunity to testify in favor of House Bill 2553. It is a simple bill, and may not seem all that important at a larger policy level, but is vital to fix a glitch that has recently arisen in our justice system.

Historically, the preliminary hearing statute, ORS 135.070, provided a week to present a felony case to grand jury (*i.e.*, five judicial days). However, an unintended consequence of unrelated 2003 Oregon legislation undercut the legal basis for interpreting that statute to mean five "judicial" days. As a result, in many Oregon counties, the "week" has now turned into five calendar days, which has unduly compressed and squeezed our grand jury system. There are numerous negative impacts and additional burdens on District Attorneys and our court system, which are particularly acute in smaller counties, where a grand jury is typically convened only once or twice a week.

House Bill 2553 simply restores the *status quo ante*. It passed unanimously in both House Judiciary and in the House. Please support House Bill 2553, and pass it out of Committee with a "do pass" recommendation.