



From the Desk of  
Representative  
Jennifer Williamson

## HB 2962A Repeals Statutory Speedy Trial Rights We Urge your No Vote

The right to a speedy trial is "an important safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibility that long delay will impair the ability of an accused to defend himself." *United States v. Ewell*, 383 U.S. 116, 120 (1966).

HB 2962A repeals ORS 135.757, which has codified Oregon's speedy trial right since Oregon was a territory, and after statehood, since it was adopted into the original Deady Code. General Laws of Oregon, Crim. Code, ch. XXXI, § 320, p 496 (Deady 1845-1864). ORS 135.757 is more protective of speedy rights than is required under the federal and Oregon constitutions. Oregon statutes allow for dismissal of a case without prejudice to the defendant if there has been an unreasonable delay on the part of the state, whereas the constitutional standard requires a showing of prejudice to the defendant before a case will be dismissed with finality.

HB 2962A proposes to repeal ORS 135.757 not because there has been a policy discussion about a desire to erode this protection, but instead because of the increased challenges of underfunded court and public safety systems.

The problem of inadequate resources in our criminal justice system is immediate and significant, but HB 2962 takes the wrong approach by balancing the hardship on the backs of criminal defendants. HB 2962 significantly erodes important and long-held due process protections of speedy trial in Oregon.

**We urge your No vote.**

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