

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 1 - 1
Yeas:	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Barker
Nays:	Williamson
Exc.:	Tomei
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	4/4, 4/11

WHAT THE MEASURE DOES: Changes the current standard applied by courts in “speedy trial” law. Defendant will bear the burden of proof in showing that the delay in trial caused excessive pre-trial incarceration, impairment to the defense or humiliation and indignity suffered by the defendant as a result of the delay. Removes codification of the constitutional standard, and removes the statutory speedy trial provision altogether. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Crowded dockets have led to cases being dismissed due to statutory speedy trial even where there has been no demonstrated prejudice to the defendant
- Removing statutory speedy trial because of crowded dockets shows the underlying problem of an underfunded judicial system

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure by taking out codification of the constitutional standard, and removes the statutory speedy trial provision altogether.

BACKGROUND: Currently Oregon has what is known as “statutory speedy trial” law which requires a much lower showing by the defendant in order for the court to order that the case be dismissed than constitutional speedy trial. Statutory speedy trial has sometimes been referenced as a docket management statute, because cases would be dismissed if not brought to trial in a timely manner. However, in certain situations statutory speedy trial would negatively impact a victim’s rights through no fault of their own. This change in the law would bring Oregon more in line with the constitutional “shocks the conscious” standard.