

SENATE AMENDMENTS TO SENATE BILL 51

By COMMITTEE ON JUDICIARY

March 11

- 1 On page 1 of the printed bill, delete lines 9 through 27.
- 2 On page 2, delete lines 1 through 42 and insert:
- 3 “**SECTION 1.** ORS 137.547 is amended to read:
- 4 “137.547. (1) Notwithstanding any other provision of law, the Chief Justice of the Supreme Court
- 5 may make rules or issue orders under ORS 1.002 to establish procedures for the consolidation of
- 6 probation violation proceedings pending against a probationer in multiple circuit courts.
- 7 “(2) Rules made or orders issued under this section:
- 8 “[*a*] *Shall provide that if a probationer is alleged to have violated the conditions of a sentence of*
- 9 *probation in more than one court, an initiating court may consider consolidation of some or all pending*
- 10 *probation violation proceedings before one or more appropriate courts:]*
- 11 “[*A*] *Upon the motion of the district attorney or the defense counsel in the county in which the*
- 12 *probationer is in custody or otherwise before the court; or]*
- 13 “[*B*] *Upon the court’s own motion.]*
- 14 “[*b*] *May determine which courts are appropriate courts for the consolidation of probation vio-*
- 15 *lation proceedings in described circumstances or establish a process for determining an appropriate*
- 16 *court.]*
- 17 “[*c*] (a) *Shall require the consent of the probationer to a consolidated probation violation*
- 18 *proceeding and written waivers by the probationer as determined necessary or fair.*
- 19 “[*d*] (b) *Shall require the approval of the judge of any responding court, the initiating court*
- 20 *and any appropriate court being considered for a consolidated probation violation proceeding.*
- 21 “[*e*] (c) *Shall require the approval of the district attorney of the county for any responding*
- 22 *court, the initiating court and any court being considered as an appropriate court.*
- 23 “[*f*] *May provide for the recall of warrants in any court other than the appropriate court as con-*
- 24 *venient to accomplish the purposes of this section.]*
- 25 “[*g*] *May provide for the transmission of copies of such papers, records or other information to*
- 26 *or from courts, district attorneys and parole and probation officers as is necessary, appropriate or*
- 27 *convenient for a consolidated probation violation proceeding under this section.]*
- 28 “[*h*] *May provide any processes necessary, appropriate or convenient for the proceeding before the*
- 29 *appropriate court and for the appropriate court to make a disposition of the cases that are consolidated*
- 30 *in a proceeding under this section.]*
- 31 “[*i*] *May include any rules or orders establishing other procedures necessary, appropriate or con-*
- 32 *venient for the fair and expeditious resolution of consolidated probation violation proceedings under*
- 33 *this section.]*
- 34 “[*3*] *When an appropriate court transmits the judgment it enters for a consolidated probation vio-*
- 35 *lation proceeding under this section to the initiating court, if different from the appropriate court, and*

1 to a responding court for filing, thereafter that judgment is for all purposes the same as a judgment
2 of the court of the initiating or responding county with regard to the matters on which that judgment
3 makes determination and disposition.]

4 “[*(4)* As used in this section:]

5 “[*(a)* ‘Appropriate court’ means the court most appropriate to hold a consolidated probation vio-
6 lation proceeding under this section given the totality of the circumstances involving the alleged pro-
7 bation violations and multiple jurisdiction proceedings. The circumstances include, but are not limited
8 to:]

9 “[*(A)* The location, residence or work location of the probationer;]

10 “[*(B)* The location of the probationer’s parole and probation officer;]

11 “[*(C)* The location of any witnesses or victims of the alleged violations or of any alleged new of-
12 fenses with which the probationer is charged;]

13 “[*(D)* The location of any victims of the offense for which the probationer was sentenced to pro-
14 bation;]

15 “[*(E)* The nature and location of previous offenses for which the probationer is serving a
16 sentence;]

17 “[*(F)* The nature of any new offenses with which the probationer is charged;]

18 “[*(G)* The resources of local jails;]

19 “[*(H)* The nature and location of any services that may be appropriate as a consequence of the al-
20 leged violation or new charges;]

21 “[*(I)* Whether the judge who imposed the original sentence provided in the original judgment di-
22 rection to return any probation violation proceedings to that judge; and]

23 “[*(J)* The interests of local courts and district attorneys concerning the probationer and any dis-
24 position that a court may impose concerning the probationer.]

25 “[*(b)* ‘Initiating court’ means the court in which a probationer is in custody or otherwise before the
26 court.]

27 “[*(c)* ‘Responding court’ means a court other than an initiating court or appropriate court that en-
28 tered a judgment under which the probationer is currently serving a sentence of probation and which
29 court consents to the consolidation of probation violation proceedings in an appropriate court under
30 this section.]”.

31 On page 3, lines 22 through 30, restore the bracketed material.