

**PROPOSED AMENDMENTS TO
SENATE BILL 51**

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 Jus-
5 tice of the Supreme Court may make rules or issue orders under ORS 1.002
6 to establish procedures for the consolidation of probation violation pro-
7 ceedings pending against a probationer in multiple circuit courts.

8 “(2) Rules made or orders issued under this section:

9 “[*a*] *Shall provide that if a probationer is alleged to have violated the*
10 *conditions of a sentence of probation in more than one court, an initiating*
11 *court may consider consolidation of some or all pending probation violation*
12 *proceedings before one or more appropriate courts.]*

13 “[*A*] *Upon the motion of the district attorney or the defense counsel in the*
14 *county in which the probationer is in custody or otherwise before the court;*
15 *or]*

16 “[*B*] *Upon the court’s own motion.]*

17 “[*b*] *May determine which courts are appropriate courts for the consol-*
18 *idation of probation violation proceedings in described circumstances or es-*
19 *tablish a process for determining an appropriate court.]*

20 “[*c*] (**a**) *Shall require the consent of the probationer to a consolidated*
21 *probation violation proceeding and written waivers by the probationer as*
22 *determined necessary or fair.*

1 “[(d)] (b) Shall require the approval of the judge of any responding court,
2 the initiating court and any appropriate court being considered for a con-
3 solidated probation violation proceeding.

4 “[(e)] (c) Shall require the approval of the district attorney of the county
5 for any responding court, the initiating court and any court being considered
6 as an appropriate court.

7 “[(f) *May provide for the recall of warrants in any court other than the*
8 *appropriate court as convenient to accomplish the purposes of this section.*]

9 “[(g) *May provide for the transmission of copies of such papers, records or*
10 *other information to or from courts, district attorneys and parole and probation*
11 *officers as is necessary, appropriate or convenient for a consolidated probation*
12 *violation proceeding under this section.*]

13 “[(h) *May provide any processes necessary, appropriate or convenient for the*
14 *proceeding before the appropriate court and for the appropriate court to make*
15 *a disposition of the cases that are consolidated in a proceeding under this*
16 *section.*]

17 “[(i) *May include any rules or orders establishing other procedures neces-*
18 *sary, appropriate or convenient for the fair and expeditious resolution of con-*
19 *solidated probation violation proceedings under this section.*]

20 “[(3) *When an appropriate court transmits the judgment it enters for a*
21 *consolidated probation violation proceeding under this section to the initiating*
22 *court, if different from the appropriate court, and to a responding court for*
23 *filing, thereafter that judgment is for all purposes the same as a judgment of*
24 *the court of the initiating or responding county with regard to the matters on*
25 *which that judgment makes determination and disposition.*]

26 “[(4) *As used in this section:*]

27 “[(a) *‘Appropriate court’ means the court most appropriate to hold a con-*
28 *solidated probation violation proceeding under this section given the totality*
29 *of the circumstances involving the alleged probation violations and multiple*
30 *jurisdiction proceedings. The circumstances include, but are not limited to:*]

1 “[A] *The location, residence or work location of the probationer;*]
2 “[B] *The location of the probationer’s parole and probation officer;*]
3 “[C] *The location of any witnesses or victims of the alleged violations or*
4 *of any alleged new offenses with which the probationer is charged;*]
5 “[D] *The location of any victims of the offense for which the probationer*
6 *was sentenced to probation;*]
7 “[E] *The nature and location of previous offenses for which the probationer*
8 *is serving a sentence;*]
9 “[F] *The nature of any new offenses with which the probationer is*
10 *charged;*]
11 “[G] *The resources of local jails;*]
12 “[H] *The nature and location of any services that may be appropriate as*
13 *a consequence of the alleged violation or new charges;*]
14 “[I] *Whether the judge who imposed the original sentence provided in the*
15 *original judgment direction to return any probation violation proceedings to*
16 *that judge; and]*
17 “[J] *The interests of local courts and district attorneys concerning the*
18 *probationer and any disposition that a court may impose concerning the*
19 *probationer.]*
20 “[b] *‘Initiating court’ means the court in which a probationer is in custody*
21 *or otherwise before the court.]*
22 “[c] *‘Responding court’ means a court other than an initiating court or*
23 *appropriate court that entered a judgment under which the probationer is*
24 *currently serving a sentence of probation and which court consents to the*
25 *consolidation of probation violation proceedings in an appropriate court under*
26 *this section.]”.*

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