



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

DATE: February 13, 2014

TO: Honorable Floyd Prozanski, Chair
Senate Judiciary Committee, Members

FROM: Aaron Knott, Legislative Director

SUBJECT: SB 1550-8

RECOMMENDED ACTION

This testimony is presented in support of SB 1550-8. We recommend that the Committee approve SB 1550-8 with a do pass recommendation.

BACKGROUND ON STATUTORY SPEEDY TRIAL

- Currently, ORS 135.747 requires a trial court to dismiss an accusatory instrument if the defendant is “not brought to trial within a reasonable period of time” unless the defendant consented to or requested the delay. The speedy trial statute is a “housecleaning” mechanism for trial court dockets and is meant to clear out cases that are “languishing in the criminal justice system.” *State v. Johnson*, 342 Or 596, 617, 157 P3d 198 (2007), *cert den*, 552 US 1113 (2008). This analysis can result in dismissals in as little as a year.
- The speedy trial statute was not intended to vest a criminal defendant with any additional *rights* to a speedy trial; however, many defendants do receive windfalls when their cases are dismissed under this statute and the state is not able to file new charges because the statute of limitations has passed.
- Defendants do have *constitutional rights* to a speedy trial under the Sixth Amendment to the United States Constitution and under Article I, section 10, of the Oregon Constitution.
 - Whether a defendant’s constitutional rights to a speedy trial have been violated involves looking at: (1) the length of the delay; (2) the reasons for the delay; and (3) whether the defendant is prejudiced by the delay (and, under the Sixth Amendment, whether the defendant requested a speedy trial).

FEATURES OF SB 1550-8

- Replaces “reasonability” analysis with bright-line rules. Cases must be brought to trial within two years for any misdemeanor from the date of filing of a charging instrument, three years for any felony.