

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1550**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 10 and
2 insert:

3 “(a) Beginning from the date that a defendant is arraigned on the charg-
4 ing instrument, a trial for a misdemeanor or a felony offense must commence
5 within a period of time identical to the applicable period of limitation for a
6 prosecution to commence as described in ORS 131.125 to 131.155.”.

7 In line 11, delete “(c)” and insert “(b)”.

8 In line 14, delete “(d)” and insert “(c)”.

9 Delete lines 17 and 18 and insert:

10 “(2) The time limits required in subsection (1) of this section do not apply
11 to a defendant who fails to appear:

12 “(a) At any court appearance scheduled by the court; or

13 “(b) When issued a citation to appear before the court.”.

14 On page 2, after line 2 insert:

15 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection,
16 when calculating the applicable period of limitation for a prosecution to
17 commence as described in subsection (1) of this section, the court shall cal-
18 culate the period of limitation pursuant to ORS 131.125, taking into account
19 any period of time that would operate to toll the period of limitation as de-
20 scribed in ORS 131.145 and 131.155.

21 “(b) For an offense described in ORS 131.125 (8), the court shall use the
22 applicable period of limitation described in ORS 131.125 (7).

1 “(c) If the circumstances of an offense are as described in ORS 131.125 (9),
2 the court shall use the applicable period of limitation described in ORS
3 131.125 (2), unless the prosecution would otherwise be barred as described in
4 ORS 131.125 (10), in which case the court shall use the applicable period of
5 limitation described in ORS 131.125 (7).”.

6 In line 15, after the first “appeal” insert “, an appeal filed by or on behalf
7 of the victim”.

8 Delete lines 22 through 27 and insert:

9 “(d) A period of time during which a warrant has been issued and the
10 defendant is outside this state;

11 “(e) A period of time during which a law enforcement agency, despite
12 using reasonable efforts, is unable to apprehend the defendant within this
13 state;”.

14 In line 35, delete “a trial date” and insert “any court appearance”.

15 In line 36, delete “new” and insert “next court appearance”.

16 In line 37, delete “trial date”.

17 After line 40, insert:

18 “(i) A period of time between a continuance or a rescheduling of a trial
19 date granted on the court’s own motion and the new trial date.”.

20 After line 45, insert:

21 “(3) A court shall not exclude a period of elapsed time pursuant to sub-
22 section (1) of this section if that period of time was already used to toll the
23 period of limitation, as described in ORS 131.145 and 131.155, when calcu-
24 lating the applicable period of limitation pursuant to section 1 (4) of this
25 2014 Act.”.

26 On page 3, line 3, after the period insert “The court shall consider the
27 interests and the statutory and constitutional rights of the victim, including
28 those under Article I, sections 42 and 43, of the Oregon Constitution, when
29 deciding whether there are substantial and compelling reasons to allow the
30 proceeding to continue.”.

