

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Eric Deitrick, Counsel

Meeting Dates: 3/31

WHAT THE MEASURE DOES: Grants defendant right to appear and testify in grand jury proceedings. Requires defendant to file notice to exercise right.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) amendment would limit the defendant’s right to testify before grand jury to cases in which the defendant has been arraigned on a felony allegation and is represented by counsel. In addition, the amendment requires defense counsel to include their email address in notice.

BACKGROUND: Grand juries are legal bodies that have authority to investigate criminal allegations and authorize indictments. ORS 132.320 establishes the type of evidence that may be presented to a grand jury. Under current law, the grand jury is not required to hear evidence at the request of the defendant. The prosecuting attorney and the grand jury establish what evidence should be considered.

Senate Bill 825 modifies ORS 132.320 and grants defendants a right to testify before the grand jury. The defendant must notify the district attorney in writing of their request to testify before the grand jury. The district attorney has no obligation to notify the defendant that they are the subject of a grand jury investigation, unless the defendant has already been arraigned on a formal complaint alleging a felony charge. If notice is provided by the defendant, the district attorney must notify the foreman of the grand jury and inform the defendant of the time and place of the grand jury proceeding. It does not afford the defendant a right to offer additional evidence or witnesses, other than their own testimony.