

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Eric Deitrick, Counsel

Meeting Dates: 5/11

WHAT THE MEASURE DOES: Authorizes court to order extradition costs when defendant is found in violation of probation after leaving state in violation of probation. Directs fees collected for extradition to be placed in “Arrest and Return Account.”

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: When a person is arrested outside of Oregon for a criminal proceeding occurring within Oregon, the state must determine whether to extradite that person. Currently, ORS 161.665 permits the court to order extradition costs at the time a person is convicted of a crime. It does not, however, permit the court to order extradition costs when defendants are adjudicated for violating their probation. In State v. Flajole, 204 Or App 295 (2006), the Oregon Court of Appeals ruled that Oregon law does not permit the court to order extradition costs for someone found in violation of his or her probation.

House Bill 2341 A amends ORS 137.540 and explicitly authorizes the court to order extradition costs for defendants found in violation of their probation after leaving the state in violation of their probation. The bill gives the court discretion in whether to order the costs. The bill also modifies the language in ORS 161.665 to capture that discretion.