

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/14/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/31, 04/14

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Grants defendant right to appear and testify in grand jury proceedings when the defendant has been arraigned on a felony allegation and is represented by counsel. Requires defense attorney to notify district attorney to exercise right.

ISSUES DISCUSSED:

- Types of cases in which a defendant would want to testify before grand jury
- Current practices around state regarding defendants testifying before grand jury

EFFECT OF COMMITTEE AMENDMENT:

Limits the defendant's right to testify before grand jury cases in which the defendant has been arraigned on a felony allegation and is represented by counsel. 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 A modifies ORS 132.320 and grants defendants a right to testify before the grand jury when the defendant has been arraigned on a felony allegation and is represented by counsel. The defense attorney must notify the district attorney in writing of his or her request to testify before the grand jury. If notice is provided by the defense attorney, the district attorney must notify the defense attorney of the date, time, and location of the grand jury proceeding. It does not afford defendants a right to offer additional evidence or witnesses, other than their own testimony.