

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: SB 825 B
CARRIER: Rep. Olson

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/28/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 05/13, 05/28

Vote:

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Olson, Post, Sprenger, Williamson

Exc: 1 - Lininger

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Grants defendants 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. Authorizes the defendant to request an extension of time to testify before grand jury by up to five days. Establishes that additional extension permissible with consent of both parties.

ISSUES DISCUSSED:

- When and why a defendant would want to testify before grand jury
- Justification defenses such as self-defense and defense of property
- Oregon District Attorneys Association worked with the Oregon Criminal Defense Lawyers Association on language in the amendment
- Manner in which witnesses are examined before the grand jury

EFFECT OF COMMITTEE AMENDMENT:

Authorizes the defendant to request an extension of time to testify before grand jury by up to five days. Establishes that additional extension permissible with consent of both parties. Eliminates specific language regarding the manner in which the defendant provides testimony; the defendant would be questioned in the same manner as all other witnesses.

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-B 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. The bill does not afford defendants the right to appear and testify when the grand jury is meeting in secret, nor does it afford defendants a right to offer additional evidence or witnesses, other than their own testimony.