

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2316**

1 In line 2 of the printed bill, after “courts;” delete the rest of the line and  
2 insert “and declaring an emergency.”.

3 Delete line 4 and insert:

4 **“SECTION 1. (1) As used in this section, ‘material witness order’**  
5 **has the meaning given that term in ORS 136.608.**

6 **“(2) At any time after the court enters a material witness order, the**  
7 **court may order, or the district attorney or the defendant may file a**  
8 **petition to conduct, a deposition to perpetuate the testimony of the**  
9 **material witness.**

10 **“(3)(a) The petition must be in writing and sworn to by the**  
11 **petitioner.**

12 **“(b) The petitioner shall serve a notice and a copy of the petition**  
13 **on the opposing party and on the material witness.**

14 **“(4) A petition filed under this section must describe:**

15 **“(a) The basis on which the court entered the material witness or-**  
16 **der;**

17 **“(b) Any findings made by the court in establishing the security**  
18 **amount under ORS 136.612;**

19 **“(c) Any findings made by the court in detaining the material wit-**  
20 **ness; and**

21 **“(d) The reasons that perpetuating the testimony of the material**  
22 **witness is necessary.**

1       “(5) The court shall grant or deny the petition no later than 30 days  
2 after the date the petition is filed. The court shall consider whether  
3 the perpetuation of the testimony will prevent failure or delay of jus-  
4 tice for the parties and the material witness. If the court orders the  
5 deposition of the material witness, the court may specify the subject  
6 matter of the deposition, impose limitations on the deposition and re-  
7 quire audio or video recording of the deposition.

8       “(6) The deposition of a material witness under this section does  
9 not invalidate or otherwise affect the material witness order, but may  
10 be considered in connection with an application to vacate or modify  
11 the order under ORS 136.612 (5).

12       “(7) The Oregon Evidence Code applies to depositions under this  
13 section.

14       “SECTION 2. This 2015 Act being necessary for the immediate  
15 preservation of the public peace, health and safety, an emergency is  
16 declared to exist, and this 2015 Act takes effect on its passage.”.

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