

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1550**

1 On page 2 of the printed bill, delete lines 7 through 9.

2 On page 8, delete lines 39 through 45.

3 On page 9, delete lines 1 through 30 and insert:

4 **“SECTION 9.** Section 1 of this 2016 Act is amended to read:

5 **“Sec. 1.** (1)(a) The presiding judge of a judicial district [*with a population*  
6 *between 150,000 and 300,000 or over 700,000*] shall ensure that proceedings  
7 before the grand jury are recorded in the manner described in this section  
8 and section 2 of this 2016 Act.

9 “(b) The court shall provide and maintain suitable audio electronic re-  
10 cording devices to record grand jury proceedings.

11 “(c) The Chief Justice of the Supreme Court shall designate the types of  
12 audio electronic recording devices that are suitable for recording grand jury  
13 proceedings.

14 “(d) The prosecuting attorney shall provide the court access to the prem-  
15 ises in which the grand jury fulfills its obligations and the recording equip-  
16 ment used to carry out the provisions of this section and section 2 of this  
17 2016 Act. The presiding judge of each judicial district may enter into an  
18 agreement with the prosecuting attorney that identifies the conditions and  
19 terms of access.

20 “(2)(a) A clerk of the court shall be permitted to attend all proceedings  
21 of the grand jury for the purpose of electronically recording the proceedings

1 described in section 2 of this 2016 Act.

2 “(b) Notwithstanding paragraph (a) of this subsection, the court may,  
3 upon request of the prosecuting attorney or defense attorney, appoint a cer-  
4 tified shorthand reporter as defined in ORS 8.415 or a shorthand reporter  
5 certified by a national certification association, who shall be permitted to  
6 attend all proceedings of the grand jury for the purpose of taking accurate  
7 notes. The shorthand reporter’s services shall be paid for by the party re-  
8 questing the shorthand reporter. The shorthand reporter shall be sworn to  
9 correctly report the proceedings of the grand jury described in section 2 of  
10 this 2016 Act and to keep secret any information concerning the grand jury  
11 proceedings.

12 “(c) A clerk of the court or shorthand reporter is not subject to subpoena,  
13 and may not disclose any information, concerning the grand jury proceedings  
14 without prior court authorization.

15 “(3)(a) A failure of an audio electronic recording device to accurately re-  
16 cord all or part of a grand jury proceeding does not affect the validity of any  
17 prosecution or indictment.

18 “(b) A failure of a clerk of the court to operate an audio electronic re-  
19 cording device in a manner that accurately records all or part of a grand  
20 jury proceeding, as required, does not affect the validity of any prosecution  
21 or indictment.

22 “(c) A failure of a shorthand reporter to prepare accurate notes or an  
23 accurate report of all or part of a grand jury proceeding, as required, does  
24 not affect the validity of any prosecution or indictment.

25 “(4) This section and section 2 of this 2016 Act do not apply to grand jury  
26 proceedings under ORS 132.440 that inquire into the condition and manage-  
27 ment of correctional facilities and youth correction facilities.”.

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