

SB 896 STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 04/13/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Modernizes law related to appeals in criminal cases. Describes when trial court ruling is appealable and which portions of ruling are reviewable.

ISSUES DISCUSSED:

- Oregon Law Commission Work Group
- Statutory gaps, overlap and inconsistencies resulting in inefficiency; several statutes can be traced to 1864
- Tax supported institutions - courts, prosecutors and defense lawyers - struggling with procedural questions
- Appealability vs. reviewability
- Appeals by state vs. appeals by defendant
- Codification of case law

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a defendant is prosecuted for a crime in a court of record, the defendant has the ability to appeal certain decisions of the trial court to an appellate court. Many of the statutes governing this process were adopted prior to the 1953 revision of the Oregon Revised Statutes, and some can be traced back to the middle of the nineteenth century. In 2015, the Appellate Commissioner for the Oregon Court of Appeals requested that the Oregon Law Commission (OLC) sponsor a work group to overhaul the procedural law governing appeals in criminal cases. The OLC convened a work group consisting of trial and appellate lawyers and judges, and invited other interested parties to participate. Senate Bill 896 is the result of this process and modernizes the law relating to criminal appeals.