

## SENATE AMENDMENTS TO SENATE BILL 144

By COMMITTEE ON JUDICIARY

April 21

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”.

2 On page 2, after line 6, insert:

3 “**SECTION 3.** Section 4 of this 2017 Act is added to and made a part of ORS 358.905 to  
4 **358.961.**

5 “**SECTION 4.** (1)(a) If a district attorney of a county declines to prosecute a violation of  
6 ORS 358.920 or 390.235 for a reason other than insufficient admissible evidence, within 30  
7 days of the declination the district attorney shall give written notice of the declination to the  
8 Attorney General. The notice must contain the reasons underlying the declination to prose-  
9 cute. Upon receipt of the notice, the Attorney General may take full charge of any investi-  
10 gation of, or prosecution for, conduct in violation of ORS 358.920 or 390.235.

11 “(b) The Attorney General may require the aid and assistance of the district attorney in  
12 all matters pertaining to any investigation or prosecution authorized under this section and  
13 to the duties of the Attorney General in the county in which the district attorney holds of-  
14 fice.

15 “(2) If the Attorney General chooses to investigate or prosecute under this section, the  
16 Attorney General shall have all the powers of a district attorney including:

17 “(a) The power to issue subpoenas;

18 “(b) The power to prepare charging instruments; and

19 “(c) All other powers incidental to an investigation or a prosecution authorized under  
20 this section.

21 “(3) All costs, fees and other expenses related to the investigation or prosecution au-  
22 thorized under this section shall be paid by the county in which the investigation or prose-  
23 cution occurs, to the same extent as if conducted by the district attorney of that county.

24 “(4) Except as otherwise provided by law, a local law enforcement agency investigating  
25 a violation of ORS 358.920 or 390.235 shall provide copies of all investigatory reports to the  
26 Commission on Indian Services.

27 “(5) The power granted to the Attorney General by this section does not deprive a district  
28 attorney of any authority or relieve a district attorney from any duty to prosecute criminal  
29 violations of law and advise the officers of the county in which the district attorney holds  
30 office.”.

31