

Requested by Senator FERRIOLI

**PROPOSED AMENDMENTS TO  
SENATE BILL 144**

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

3 On page 2, after line 6, insert:

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

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

14 **“(b) The Attorney General may require the aid and assistance of the  
15 district attorney in all matters pertaining to any investigation or  
16 prosecution authorized under this section and to the duties of the At-  
17 torney General in the county in which the district attorney holds of-  
18 fice.**

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

1       **“(a) The power to issue subpoenas;**  
2       **“(b) The power to prepare charging instruments; and**  
3       **“(c) All other powers incidental to an investigation or a prosecution**  
4 **authorized under this section.**

5       **“(3) All costs, fees and other expenses related to the investigation**  
6 **or prosecution authorized under this section shall be paid by the**  
7 **county in which the investigation or prosecution occurs, to the same**  
8 **extent as if conducted by the district attorney of that county.**

9       **“(4) Except as otherwise provided by law, a local law enforcement**  
10 **agency investigating a violation of ORS 358.920 or 390.235 shall provide**  
11 **copies of all investigatory reports to the Commission on Indian Ser-**  
12 **vices.**

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

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