



**Chief Justice Order 24-014:
Updating Pretrial Release Guidelines for
Drug Delivery and Manufacture Offenses**

Hon. Matthew B. Shirtcliff

Presiding Judge, Baker County Circuit Court




Joint Interim Committee on Addiction
and Community Safety Response

May 30, 2024

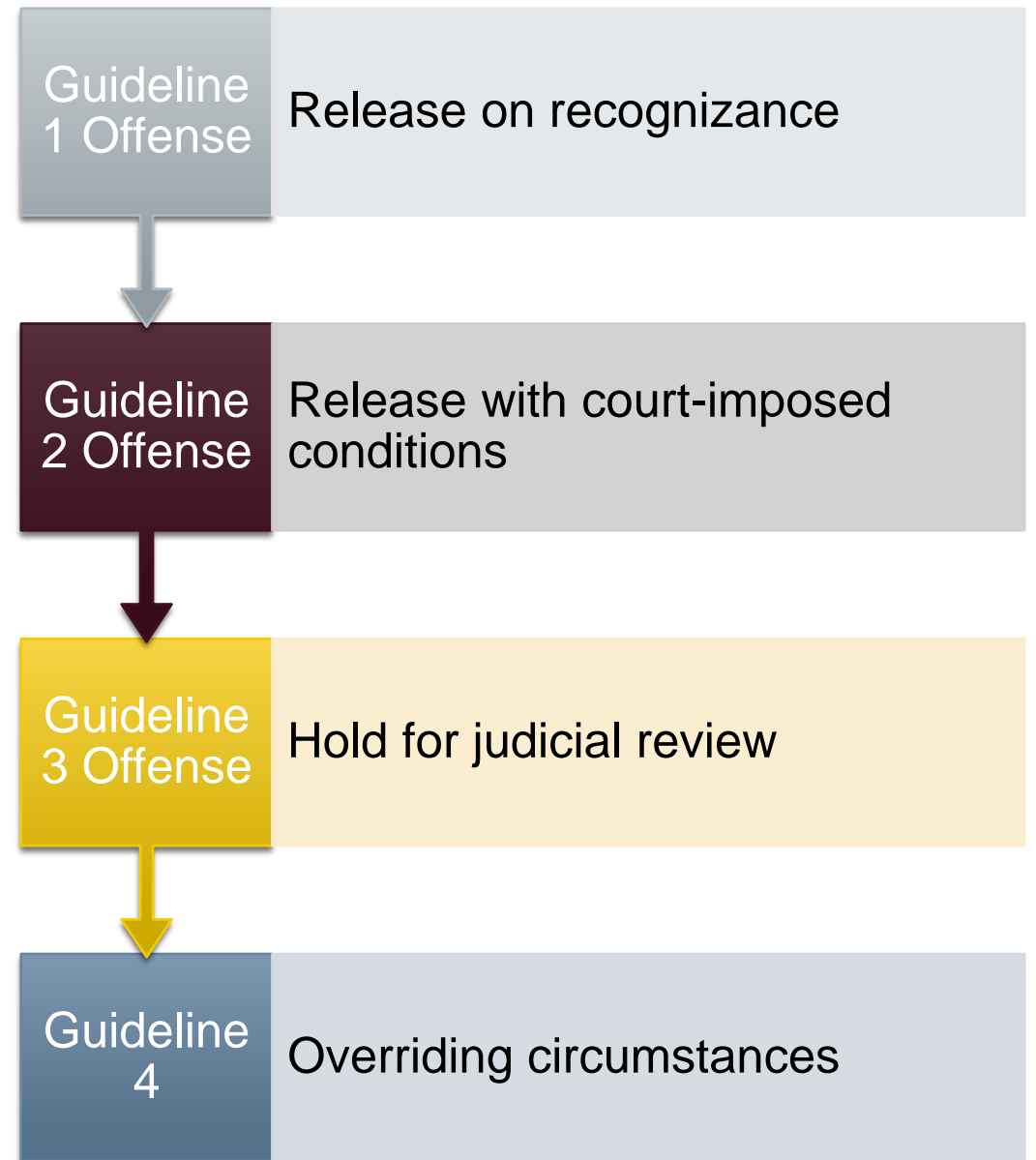



Presentation Overview

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- Pretrial Release Guidelines background and framework
 - Review process of the classification of drug delivery and manufacture offenses under the Pretrial Release Guidelines
 - Overview of changes adopted in CJO 24-014
 - Next steps

Pretrial Release Guidelines Background

- SB 48 (2021) moved Oregon from security-release system to risk-based system for pretrial release and directed Chief Justice to adopt release guidelines.
- Pretrial Release Guidelines first issued in June 2022, providing a consistent release decision-making structure across the state.
- Every court has a presiding judge pretrial release order consistent with the Pretrial Release Guidelines.
- Presiding judges identified objective, non-discretionary person-specific overriding circumstances that ensure public and victim safety in the pretrial process.

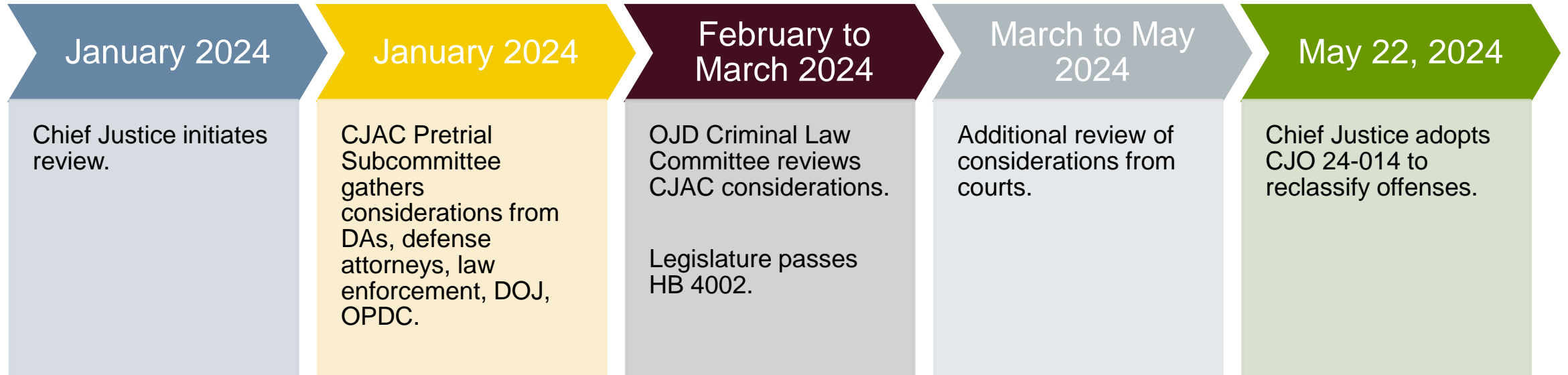




HB 4002 (2024)

- Chief Justice to reevaluate and update the Pretrial Release Guidelines for persons arrested or charged with delivery or manufacture of a controlled substance.
- Requires input from a criminal justice advisory committee.
- Review to be completed by June 1, 2024.

Review Process for DCS/MCS Classification



Release Guidelines before CJO 24-014

Guideline 3: Hold for Judicial Review

- All violent felonies
- All Class A felonies (**included some delivery and manufacturing offenses**)
- Any sex crime
- Any domestic violence offense and felony strangulation
- Other specified offenses

Guideline 2: Release with Court-Imposed Conditions

- Non-domestic violence misdemeanors
- DUII
- Non-domestic violence Class B and Class C felonies (unless in Guideline 3)

CJO 24-014: Changes to Guideline 3 (Hold for Judicial Review)

- Moved Class B felony DCS/MCS with a presumptive prison sentence to Guideline 3, including:
 - Delivery of hydrocodone within 1,000 ft of a school
 - Causing another person to ingest a controlled substance
 - Manufacture of methamphetamine
- Moved offenses involving minors to Guideline 3, including:
 - Using a minor in a controlled substance offense
 - Delivery of Schedule IV or V controlled substance to a minor






CJO 24-014: Changes to Guideline 4 (Overriding Circumstances)

- Directs presiding judges to consider overriding circumstances specific to persons charged with delivery or manufacturing, including:
 - A particular controlled substance
 - A substantial quantity of a controlled substance
 - A commercial drug offense
 - Use of a firearm, prior arrests, prior failures to appear



Next Steps



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- Presiding judges to review and update their local pretrial release orders.
 - Coordinate updates to orders with local public safety stakeholders.
 - Ongoing considerations of Guidelines and changes adopted in CJO 24-014 by courts and CJAC Pretrial Subcommittee.

Thank You

QUESTIONS?

