

# House Bill 2962

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires court finding of prejudice for violations of speedy trial requirement.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to speedy trial; amending ORS 135.747; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 135.747 is amended to read:

5 135.747. (1) If a defendant charged with a crime[, *whose trial has not been postponed upon the*  
6 *application of the defendant or by the consent of the defendant,*] is not brought to trial within a rea-  
7 sonable period of time, **and the defendant did not consent to or request the delay**, the court  
8 shall order the accusatory instrument to be dismissed[.] **upon the showing of actual prejudice or**  
9 **presumptive prejudice to the defendant.**

10 (2) **As used in this section:**

11 (a) **"Actual prejudice" means:**

12 (A) **Excessive pretrial incarceration;**

13 (B) **Impairment to the defense; or**

14 (C) **Humiliation, anxiety or indignity suffered by the defendant as a result of the delay.**

15 (b) **"Presumptive prejudice" means prejudice caused by a delay so excessive and unrea-**  
16 **sonable that it shocks the conscience.**

17 **SECTION 2.** This 2013 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
19 on its passage.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.