Senate Bill 43

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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.**

Authorizes appellate court to review jury instructions for plain error despite failure of party to object with particularity.

Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2 Relating to jury instructions; creating new provisions; amending ORS 136.330; and declaring an

3   emergency.

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

5   **SECTION 1.** ORS 136.330 is amended to read:

6   136.330. (1) ORS 10.100 and ORCP 58 B, C and D and 59 B through F and G(1), (3), (4) and (5),

7 apply to and regulate the conduct of the trial of criminal actions. The jury in a criminal action may,

8 in the discretion of the court, be polled in writing. If the jury is polled in writing, the written re-

9 sults shall be sealed and placed in the court record.

10   (2) ORCP 59 H applies to and regulates exceptions in criminal actions**, except that an appel-**

11 **late court may take notice of plain errors affecting substantial rights that were not brought**

12 **to the attention of the trial court**.

13   **SECTION 2. The amendments to ORS 136.330 by section 1 of this 2013 Act apply to**

14 **criminal actions in which a notice of appeal is filed on or after the effective date of this 2013**

15 **Act.**

16   **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**

17 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

18 **on its passage.**

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