

House Bill 2609

Sponsored by Representative BARKER, Senator PROZANSKI (Presession filed.)

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**.

Provides that information or complaint may be verified by complainant's certifying sufficient grounds to believe defendant committed offense. Punishes false certification of information or complaint by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to the verification of charging instruments; amending ORS 133.015 and 133.992.

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

4 **SECTION 1.** ORS 133.015 is amended to read:

5 133.015. An information or complaint shall contain substantially the following:

6 (1) The name of the court in which it is filed;

7 (2) The title of the action;

8 (3) A statement that accuses the defendant or defendants of the designated offense or offenses;

9 (4) A separate accusation or count addressed to each offense charged, if there be more than one;

10 (5) A statement in each count that the offense charged therein was committed in a designated
11 county;

12 (6) A statement in each count that the offense charged therein was committed on, or on or
13 about, a designated date, or during a designated period of time;

14 (7) A statement of the acts constituting the offense in ordinary and concise language, without
15 repetition, and in such manner as to enable a person of common understanding to know what is in-
16 tended; and

17 (8) The verification by the complainant and the date of the signing of the information or com-
18 plaint. **An information or complaint charging a defendant with an offense, other than an of-
19 fense punishable as a felony, shall be deemed verified by the complainant if it contains a form
20 of certificate in which the complainant certifies, under the penalties described in ORS
21 133.992, that the complainant has sufficient grounds to believe, and does believe, that the
22 defendant named in the information or complaint committed the offense specified in the in-
23 formation or complaint.**

24 **SECTION 2.** ORS 133.992 is amended to read:

25 133.992. (1) *[Any]* **A** person who maliciously and without probable cause causes a search war-
26 rant or a court order for interception to be issued and executed is guilty of a Class A misdemeanor.

27 **(2) A person who knowingly falsely certifies an information or complaint under ORS
28 133.015 (8) is guilty of a Class A misdemeanor.**

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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.