

SB 651 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 4/27, 5/4, 5/11

WHAT THE MEASURE DOES:

Requires proposals for modification of probation conditions to be provided to a probationer's attorney, if the probationer is represented by an attorney and allows for a probationer or a probationer's attorney to file an objection to proposed modification to special conditions of probation.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1

Replaces the measure. States that a probation officer shall notify the probationer of the right to file an objection and have a hearing as described in the measure. The notice requirement may be satisfied by providing the probationer with a copy of a form developed by rule that describes the right to a hearing.

BACKGROUND:

Under Oregon law, when the court orders a defendant placed under the supervision of the Department of Corrections or a community corrections agency, the supervising officer may file with the court a proposed modification to the special conditions of probation. See ORS 137.540. The supervising officer is required to provide a copy of the proposed modification to the district attorney and the probationer. If the district attorney files an objection to the proposed modification less than five judicial days after the proposed modification was filed, the court shall schedule a hearing no later than 10 judicial days after the proposed modification was filed, unless the court finds good cause to schedule a hearing at a later time.

Senate Bill 651 requires a supervising officer to provide proposed modifications to a probationer's attorney, if applicable, and allows for a probationer or their attorney to file an objection to the modification proposed.