

SB 755-17
(LC 3429)
3/29/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

**PROPOSED AMENDMENTS TO
SENATE BILL 755**

1 On page 1 of the printed bill, line 2, after “153.018,” insert “153.064,
2 153.992.”.

3 On page 10, after line 2, insert:

4 **“SECTION 12a.** ORS 153.064 is amended to read:

5 “153.064. (1) Except as provided in subsection (2) of this section, a warrant
6 for arrest may be issued against a person who fails to make a first appear-
7 ance on a citation for a violation, or fails to appear at any other subsequent
8 time set for trial or other appearance, only if the person is charged with
9 failure to appear in a violation proceeding under ORS 153.992.

10 “(2) If a person fails to make a first appearance on a citation for a vio-
11 lation **other than a Class E violation**, or fails to appear at any other sub-
12 sequent time set for trial or other appearance **on the violation**, the court
13 may issue an order that requires the defendant to appear and show cause
14 why the defendant should not be held in contempt. The show cause order
15 may be mailed to the defendant by certified mail, return receipt requested.
16 If service cannot be accomplished by mail, the defendant must be personally
17 served. If the defendant is served and fails to appear at the time specified in
18 the show cause order, the court may issue an arrest warrant for the defend-
19 ant for the purpose of bringing the defendant before the court.

20 **“SECTION 12b.** ORS 153.992 is amended to read:

21 “153.992. (1) A person commits the offense of failure to appear in a vio-

1 lation proceeding if the person has been served with a [*violation*] citation
2 issued under this chapter **for a violation other than a Class E violation**
3 and the person knowingly fails to do any of the following:

4 “(a) Make a first appearance in the manner required by ORS 153.061
5 within the time allowed.

6 “(b) Make appearance at the time set for trial in the violation proceeding.

7 “(c) Appear at any other time required by the court or by law.

8 “(2) Failure to appear on a violation citation is a Class A
9 misdemeanor.”.

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