

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4105

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

February 23

1 On page 5 of the printed A-engrossed bill, delete lines 27 through 43 and insert:

2 “**SECTION 4.** ORS 153.083 is amended to read:

3 “153.083. **(1)** Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created
4 by ordinance or statute, in which a city attorney or district attorney does not appear, the peace
5 officer who issued the citation for the offense may present evidence, examine and cross-examine
6 witnesses and make arguments relating to:

7 “[*1*] **(a)** The application of statutes and rules to the facts in the case;

8 “[*2*] **(b)** The literal meaning of the statutes or rules at issue in the case;

9 “[*3*] **(c)** The admissibility of evidence; and

10 “[*4*] **(d)** Proper procedures to be used in the trial.

11 “**(2)** Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by
12 ordinance or statute, in which a city attorney or district attorney does not appear, the duly
13 authorized traffic enforcement agent who issued the citation for the offense may present the
14 evidence reviewed by the agent as the basis for issuing a citation under ORS 810.436, 810.437
15 or 810.444.

16 “**(3)(a)** As used in this section, ‘duly authorized traffic enforcement agent’ means an in-
17 dividual who:

18 “**(A)** Is employed, appointed and duly sworn in by the governing body of the incorporated
19 city in which the agent performs the agent’s duties; and

20 “**(B)** Has completed all necessary technical, administrative and other training to review
21 photographs and issue citations under ORS 810.436, 810.437 or 810.444.

22 “**(b)** Duly authorized traffic enforcement agents are not police officers as defined in ORS
23 801.395.”

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