

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4105**

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

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

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

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

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

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

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

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

19 **“(3)(a) As used in this section, ‘duly authorized traffic enforcement**
20 **agent’ means an individual who:**

21 **“(A) Is employed, appointed and duly sworn in by the governing**

1 **body of the incorporated city in which the agent performs the agent’s**
2 **duties; and**

3 **“(B) Has completed all necessary technical, administrative and**
4 **other training to review photographs and issue citations under ORS**
5 **810.436, 810.437 or 810.444.**

6 **“(b) Duly authorized traffic enforcement agents are not police offi-**
7 **cers as defined in 801.395.”.**

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