

House Bill 2400

Sponsored by Representative LEWIS; Representatives CATE, LEVY B, OWENS (Pre-session 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**.

Authorizes court to issue order requiring person to appear upon failure to appear on Class E violation citation, and to issue arrest warrant upon further failure to appear. Provides that failure to appear on Class E violation constitutes crime of failure to appear in a violation proceeding, punishable by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to failure to appear on a Class E violation; amending ORS 153.062, 153.064 and 153.992; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 153.062 is amended to read:

6 153.062. (1) Notwithstanding ORS 153.018, 153.019 and 153.021, and subject to subsection (2) of
7 this section, a person subject to the penalty for a Class E violation may, in lieu of the fine, complete
8 a screening, as set forth in ORS 430.389 (2)(d)(A), or any other equivalent or more intensive treat-
9 ment contact, within 45 days of when the person receives the citation for the Class E violation.

10 (2) Upon receiving verification that the person has obtained a screening through a Behavioral
11 Health Resource Network, including the telephone hotline described in ORS 430.391 (1), or any other
12 equivalent or more intensive treatment contact, within the time period described in subsection (1)
13 of this section, the court shall dismiss the citation.

14 *[(3) The failure to pay a fine on a Class E violation is not a basis for further penalties or for a*
15 *term of incarceration.]*

16 **SECTION 2.** ORS 153.064 is amended to read:

17 153.064. (1) Except as provided in subsection (2) of this section, a warrant for arrest may be is-
18 sued against a person who fails to make a first appearance on a citation for a violation, or fails to
19 appear at any other subsequent time set for trial or other appearance, only if the person is charged
20 with failure to appear in a violation proceeding under ORS 153.992.

21 (2) If a person fails to make a first appearance on a citation for a violation [*other than a Class*
22 *E violation*], or fails to appear at any other subsequent time set for trial or other appearance on a
23 violation [*other than a Class E violation*], the court may issue an order that requires the defendant
24 to appear and show cause why the defendant should not be held in contempt. The show cause order
25 may be mailed to the defendant by certified mail, return receipt requested. If service cannot be ac-
26 complished by mail, the defendant must be personally served. If the defendant is served and fails to
27 appear at the time specified in the show cause order, the court may issue an arrest warrant for the
28 defendant for the purpose of bringing the defendant before the court.

29 **SECTION 3.** ORS 153.992 is amended to read:

30 153.992. (1) A person commits the offense of failure to appear in a violation proceeding if the

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.

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

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

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

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

6 (2) Failure to appear on a violation citation is a Class A misdemeanor.

7 **SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023**
8 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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