



Key Points

- ✓ Currently, a person arrested for a crime who is then released by the jail must appear in court for arraignment within 96 hours.
- ✓ Because the 96-hour period includes weekends, holidays, and court closures, courts often face unmanageable numbers of arraignments after holidays or winter storms.
- ✓ The proposal would exclude weekends, holidays, and court closures from the 96-hour period. This would help courts manage unpredictable increases in arraignments, reduce disruptive docket congestion, and avoid inconvenience and delay throughout the court system.

Questions?

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Out-of-Custody Arraignment

The term “arraignment” refers to the first time a person arrested for a crime appears in court. There are three types of arraignment:

1. People who are held in jail,
2. People who are given a citation or ticket to appear in court at a specified date, and
3. People who are arrested but then released by the jail (an “out-of-custody arraignment.”) Under existing law, these individuals must appear in court within 96 hours of their arrest.

Problem

This 96-hour period currently includes weekends, holidays, and other periods where the court is closed, including unexpected closures due to snowfall, power outages, and the like.

Because the number of arrests cannot be reasonably predicted or planned for in advance, courts often face unmanageable numbers of arraignments after holiday weekends, during summer months, or following winter storms.

This often causes lengthy arraignment dockets where defendants and their attorneys wait through long hearings and other hearings can be delayed or displaced.

Solution

We propose clarifying the statute to make clear that the 96-hour period does not apply to weekends, holidays, or other periods when the court is closed.

- Courts could spread out arraignments more evenly throughout the 96-hour period after a closure.
- Defendants still would appear in court and be assigned a lawyer promptly.
- Wait time in court would be reduced for defendants and attorneys. Shorter dockets would return them to work and other commitments in less time.
- Other hearings would not be postponed or displaced.