

CRIMINAL LAW REVISION COMMISSION

Grand Jury; Proposed Constitutional Amendment

(Rough Draft No. 2)

[As amended by Subcommittee No. 3]

April 18, 1972

Be It Resolved by the Legislative Assembly of the State of Oregon:

Paragraph 1. Section 5, Article VII (Amended), Oregon Constitution, is repealed, and the following section is adopted in lieu thereof:

Section 5. (1) The Legislative Assembly shall provide by law for:

- (a) Selecting juries and the qualifications of jurors;
 - (b) Drawing and summoning grand jurors from the regular jury list at any time, separate from the panel of petit jurors;
 - (c) Empaneling more than one grand jury in a county;
- and
- (d) The sitting of a grand jury during vacation as well as session of the court.

(2) A grand jury shall consist of seven jurors chosen by lot from the whole number of jurors in attendance at the court, five of whom must concur to find an indictment.

(3) Except as provided in subsections (4) and (5) of this section, a person shall be charged in a circuit court with the commission of any crime punishable as a felony only on indictment by a grand jury.

(4) The district attorney may charge a person on information filed in circuit court of a crime punishable as a felony if the person appears before the judge of the circuit court and knowingly waives indictment.

(5) The district attorney may charge a person on an information filed in circuit court if the person knowingly waives preliminary hearing or, if after a preliminary hearing before a magistrate, the person has been held to answer upon a showing of probable cause that a crime punishable as a felony has been committed and probable cause that the person has committed it.

(6) An information shall be substantially in the form provided by law for an indictment. The district attorney may file an amended indictment or information whenever, by a ruling of the court, it is held to be defective in form.

(7) In civil cases three-fourths of the jury may render a verdict.

Paragraph 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout the state.