

ORIGINAL

House Bill No. 1707.....

HISTORY SHEET

HOUSE

By:

Bill

1707

DATE ENGROSSED

April 29, 1969

Resolution

DATE REENGROSSED

May 15, 1969

Representatives

Memorial

DATE ENROLLED

June 3, 1969

Representative DAVIS (at the request of Robert Y. Thornton, Attorney General)

TITLE

Relating to criminal appeals; amending ORS 138.060.

HOUSE ACTION

SENATE ACTION

READ FIRST TIME

READ SECOND TIME

READ FIRST TIME

READ SECOND TIME

FEB 23 1969

MAR 3 1969

MAY 19 1969

MAY 19 1969

REFERRED TO

REFERRED TO

REPORTED BACK

WITH THE RECOMMENDATION

REPORTED BACK

WITH THE RECOMMENDATION

APR 29 1969

THAT IT

MAY 22 1969

THAT IT

☐ DO PASS

☒ DO PASS WITH AMENDMENT

So Pass

REREFERRED TO

REREFERRED TO

REPORTED BACK

WITH THE RECOMMENDATION

REPORTED BACK

WITH THE RECOMMENDATION

☐ DO PASS

☐ DO PASS WITH AMENDMENT

READ THIRD TIME AND

READ THIRD TIME AND

PASSED

MAY 1 1969

PASSED

MAY 23 1969

SIGNED

SIGNED

CHIEF CLERK

SECRETARY OF SENATE

DATE

HOUSE CONCURRED IN SENATE AMENDMENTS AND REPASSED

ADDITIONAL ACTION

DATE

ACTION

MAY 1 1969

at 11:45
Richards gave notice of reconsideration of the vote by which bill failed

MAY 2 1969

Richards moved for reconsideration of the vote of 4-1-69

MAY 2 1969

Richards moved to refer the bill to Judiciary Committee

LA 27 HD (REV. 67)

ADDITIONAL ACTION

[illegible]

Enrolled
House Bill 1707

Sponsored by Representative DAVIS

CHAPTER.....

AN ACT

Relating to criminal appeals; amending ORS 138.060.

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

Section 1. ORS 138.060 is amended to read:

138.060. The state may take an appeal to the ~~Supreme Court~~ Court of

Appeals from:

- (1) A judgment for the defendant on a demurrer to the indictment;
- (2) An order sustaining a plea of former conviction or acquittal; ~~for~~
- (3) An order arresting the judgment~~[-]~~; or
- (4) *An order made prior to trial suppressing evidence.*



Chapter

, Oregon Laws 1969

ENROLLED

House Bill 1707

Passed by House

May 17, 1969

~~Repassed by House~~

Chief Clerk of House

Speaker of House

Passed by Senate

May 23, 1969

~~Repassed by Senate~~

President of Senate

Received by Executive Department:

..... M.,, 1969.

Approved:, 1969.

Governor

Filed in Office of Secretary of State:

..... M.,, 1969.

Secretary of State

Enrolled

~~Re~~ ENGROSSED

House Bill 1707

Sponsored by Representative DAVIS (at the request of
Robert Y. Thornton, Attorney General)

CHAPTER.....

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 state to appeal from order dismissing indictment based on any ground other than finding or verdict of not guilty, or from pretrial order suppressing evidence.

NOTE: Matter in *italics* in an amended section is new; matter ~~[lined out and bracketed]~~ is existing law to be omitted; complete new sections begin with **Section**.

A BILL FOR AN ACT

2 Relating to criminal appeals; amending ORS 138.060.

3 Be It Enacted by the People of the State of Oregon:

4 Section 1. ORS 138.060 is amended to read:

5 138.060. The state may take an appeal to the Court of Appeals from:

6 (1) A judgment for the defendant on a demurrer to the indictment;

7 (2) An order sustaining a plea of former conviction or acquittal; ~~or~~

8 (3) An order arresting the judgment ~~or~~ ^{or} ~~;~~ [;]

9 (4) An order ~~made prior to trial~~ ^{restoring} ~~suppressing~~ ^{suppressing} evidence ~~or~~ ^{or} ~~;~~ [;]

10 ~~(5) An order dismissing the indictment based on any ground other~~

11 ~~than a finding or verdict of not guilty.~~

SENATE COMMITTEE REPORT

Salem, Oregon 5/22/69

Mr. President:

Your Committee on Judiciary to whom was referred
HB 1707, having had the same under
consideration, respectfully report it back with the recommendation that it:

<input checked="" type="checkbox"/>	Do pass:	<input type="checkbox"/>	Do pass with amendments:
<input type="checkbox"/>	Be adopted:	<input type="checkbox"/>	Be adopted with amendments:
<input type="checkbox"/>	Do pass with amendments to the printed engrossed bill.		
<input type="checkbox"/>	(Referred to Committee on Ways & Means by prior reference)		
<input type="checkbox"/>	(Other -- specify)		

Submit:

2 copies if no amdts.

4 copies if amdts.

5 copies if to be printed engrossed.

Anthony Burns
(Chairman)

Sen. Burns
will lead floor discussion.

PREVIOUS AMENDMENTS

By House April 29, 1969

**SECOND HOUSE AMENDMENTS TO
HOUSE BILL 1707**

By COMMITTEE ON JUDICIARY

May 15, 1969

- 1 Delete lines 2 and 3 of the printed House amendments dated April 29.
 - 2 On page 2 of the printed bill, line 5, delete "Supreme Court" and insert
 - 3 "Court of Appeals".
 - 4 In line 9, after "evidence" insert a period and delete the rest of the line.
-

PREVIOUS AMENDMENTS
By House April 29, 1969

SECOND HOUSE AMENDMENTS TO HOUSE BILL 1707

By COMMITTEE ON JUDICIARY
May 15, 1969

Delete ~~in the printed House Amendments, dated April 29, 1969, delete~~
lines 2 and 3 of the

On page 2 of the printed bill, line 5, delete "Supreme Court"
and insert "Court of Appeals". *gld*

*In line 9, after "existence" insert a period
and delete the rest of the line.*

Don Wilson

Rep. Don Wilson

Chairman

Rep. ~~Wallace Carson~~
floor discussion on this measure.

will lead

Submit 2 copies if no amendments
4 copies if amendments
5 copies if to be printed engrossed

Retain: 1 copy for committee files

Eng 1206

HOUSE AMENDMENTS TO HOUSE BILL 1707

By COMMITTEE ON JUDICIARY

April 29, 1969

- Ryan 5/15*
- 1 On page 2 of the printed bill, line 8, after the semicolon insert "or".
 - 2 In line 9, delete "made prior to trial" and in the same line after "evi-
 - 3 dence" insert "before or during trial" and delete the rest of the line.
 - 4 Delete lines 10 and 11.
-

HOUSE AMENDMENTS TO HOUSE BILL 1707

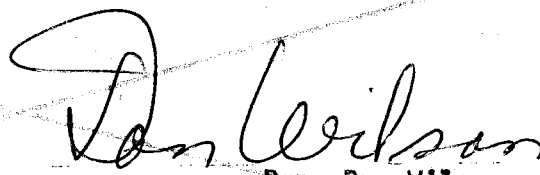
By COMMITTEE ON JUDICIARY

April 29, 1969

On page 2 of the printed bill, line 8, after the semicolon insert "or".

In line 9, delete "made prior to trial" and in the same line after "evidence" insert "before or during trial." and delete the rest of the line.

Delete lines 10 and 11.


Rep. Don Wilson,

Chairman

Rep. Pynn
floor discussion on this measure.

will lead

2 copies if no amendments
Submit: 4 copies if amendments
5 copies if to be printed engrossed
Retain: 1 copy for committee files

House Bill 1707

Sponsored by Representative DAVIS (at the request of
Robert Y. Thornton, Attorney General)

SUMMARY

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1 A BILL FOR AN ACT

2 Relating to criminal appeals; amending ORS 138.060.

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

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A BILL FOR

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138.060. The state may take an appeal to the Supreme Court from:

(1) A judgment for the defendant on a demurrer to the indictment;

(2) An order sustaining a plea of former conviction or acquittal; [or]

(3) An order arresting the judgment[.];

(4) An order made prior to trial suppressing evidence; or

(5) An order dismissing the indictment based on any ground other than a finding or verdict of not guilty.

HOUSE BILL BACK

RECEIVED
HOUSE DESK

▼ CROSS OUT INAPPLICABLE WORDS ▼

BILL
RESOLUTION
~~MEMORIAL~~

NUMBER

1707

1969 FEB 17 PM 4 49

Title:

Relating to criminal appeals; amending ORS 138.060.

Introduced by: Representative

Davis (at the request of Robert Y. Thornton,
Attorney General)

ADDITIONAL SIGNERS

HOUSE

SENATE

Akeson
Anunsen
Bazett
Bennett
Boe
Bradley
Browne
Carson
Chuinard
Cole
Crothers
Davis
Day
Detering
Dielschneider
Dugdale
Elliott
Eymann
Frost
Graham
Groener
Gwinn
Haas
Hanneman
Hansell
Hart
Hartung
Heard
Howard
Howe

Ingalls
Johnson
Kennedy
Lang
Macpherson
Mann
Markham
Martin
McCready
McGilvra
McKenzie
Meeker
Peck
Priestley
Pynn
Richards
Ripper
Roberts
Rogers
Skelton
Smith
Stathos
Stevenson
Thornton
Turner
Willits
Wilson, Don
Wilson, M. Keith
Wingard
Young

Atiyeh
Bain
Bateson
Boivin
Burns
Cook
Dement
Eivers
Elfstrom
Fadeley
Flegel
Hallock
Holmstrom
Hoyt
Husband
Huston
Inskeep
Ireland
Jernstedt
Lent
McKay
Morgan
Newbry
Ouderkirk
Potts
Raymond
Roberts
Stadler
Willner
Yturri

Staple

Staple