

**A-Engrossed**  
**Senate Bill 36**

Ordered by the Senate March 30  
Including Senate Amendments dated March 30

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Oregon Criminal Justice Commission)

**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.

Provides that new subpoena need not be served in criminal action when date or time of appearance has changed if **original subpoena is continued orally in open court in presence of person subpoenaed or if person subpoenaed is notified of change.**

**A BILL FOR AN ACT**

1  
2 Relating to criminal procedure; amending ORS 136.595.

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

4 **SECTION 1.** ORS 136.595 is amended to read:

5 136.595. (1) Except as provided in ORS 136.447 and subsection (2) of this section, a subpoena is  
6 served by delivering a copy to the witness personally. [*and*] Proof of the service is made in the same  
7 manner as in the service of a summons.

8 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom  
9 service of subpoena may be made. At least one of the designated individuals shall be available dur-  
10 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-  
11 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law  
12 enforcement agency.

13 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
14 ficer, a subpoena may be served on the peace officer by delivering a copy personally to the officer  
15 or to one of the individuals designated by the agency [*which*] **that** employs the officer not later than  
16 10 days prior to the date attendance is sought. A subpoena may be served in this manner only if the  
17 officer is currently employed as a peace officer and is present within the state at the time of service.

18 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
19 enforcement agency shall make a good faith effort to actually notify the officer whose attendance  
20 is sought of the date, time and location of the court appearance. If the officer cannot be notified,  
21 the law enforcement agency shall contact the court and a continuance may be granted to allow the  
22 officer to be personally served.

23 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
24 county sheriff's department or a municipal police department.

25 **(3) When a subpoena has been served as provided in subsection (1) or (2) of this section**  
26 **and, subsequent to service, the date on, or the time at, which the person subpoenaed is to**

**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 **appear has changed, a new subpoena is not required to be served if:**

2 **(a) The subpoena is continued orally in open court in the presence of the person**  
3 **subpoenaed; or**

4 **(b) The party who issued the original subpoena notifies the person subpoenaed of the**  
5 **change by first class mail and by:**

6 **(A) Certified or registered mail, return receipt requested; or**

7 **(B) Express mail.**

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