

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 15TH JUDICIAL DISTRICT

JUN 16 2023

Coos Co.
Circuit Court

In the Matter of Pretrial Release by Sheriff)
or entity supervising the local corrections)
facility)
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Presiding Judge Order No 22-01
ORDER REGARDING PRETRIAL
RELEASE in 15th JUDICIAL DISTRICT
FIRST AMENDED

WHEREAS, the 2021 Legislative Assembly enacted Oregon Laws 2021, Chapter 643, initially introduced as Senate Bill 48 (2021) by the Oregon Criminal Justice Commission, to reduce the reliance on security release and provide statewide guidance for local pretrial release orders; and

WHEREAS, Section 2 of Oregon Laws 2021, Chapter 643, now codified as ORS 135.233, requires the Presiding Judge of a judicial district to enter a standing pretrial release order, specifying to the sheriff of the county, or to the entity supervising the local correctional facility responsible for pretrial incarceration within the judicial district, both the persons who are and the offenses that are:

1. Subject to release on recognizance;
2. Subject to release with special conditions of release; and
3. Not eligible for release until arraignment; and

WHEREAS, the Chief Justice has issued guidelines for Presiding Judge Orders. Additionally, the Chief Justice entered an Order that requires each Presiding Judge of a Circuit Court to enter a Pretrial Release Order as required under ORS 135.233(1) that complies with the guidelines established by the Chief Justice with an operative date of July 1, 2022; and

WHEREAS, the State Court Administrator maintains and will update a Release Guidelines Categorization List of all Oregon misdemeanor and felony crimes with each crime organized by release guideline category. The List is intended to be a tool to assist the Sheriff and Release Assistance Officer.

IT IS HEREBY ORDERED:

SECTION 1: AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

1. **CRIME CATEGORY 1** The Sheriff or Release Assistance Officer shall release on recognizance with a release agreement with the general conditions in ORS 135.250 all individuals charged with the following offenses:
 - a. Any non-person misdemeanor, except those offenses listed in Crime Category 2 or 3 below;
 - b. Any non-person Class C felony, except those offenses listed in Crime Categories 2 or 3 below;

- c. Any driving while suspended offense defined in ORS 81.1.182, except for aggravated driving while suspended as defined in ORS 163.196; and
 - d. Any other offense that is not included in Crime Categories 2 or 3 below.
2. CRIME CATEGORY 2 The Sheriff or Release Assistance Officer shall release on court-imposed conditions, all defendants charged with the following offenses:
- a. Any non-domestic violence person misdemeanor, as defined in OAR 213-0030001(15)
 - b. Any driving under the influence of intoxicants (DUII) offense as defined in ORS 813.010 and ORS 813.01 1;
 - c. Any non-domestic violence Class B Felony and any non-domestic violence person Class C felony as defined in OAR 213-003-0001 (14), except for those offenses included in Crime Category 3 below to be held for arraignment; and
 - d. Aggravated driving while suspended or revoked.
3. CRIME CATEGORY 3 --- The Sheriff or Release Assistance Officer shall hold for arraignment or first appearance all individuals charged with the following offenses:
- a. Any violent felony, as defined in ORS 135.240 and any offense in ORS 137.700;
 - b. Any Class A felony;
 - c. Any sex crime (whether designated or not), as defined in ORS 163A.005, including luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy; and any attempt to commit luring a minor, purchasing sex with a minor and first-degree invasion of personal privacy.
 - d. Any domestic violence felony or misdemeanor, as defined in ORS 135.230;
 - e. Any felony stalking as described in ORS 163.732, any violation of a stalking protective order as described in ORS 163.750, and felony strangulation as described in ORS 163.187; and
 - f. Any of the following offenses:
 - 1. Possession of a firearm or dangerous weapon in a public building or court facility, as defined in ORS 166.370; and unlawful possession of machine guns, certain short-barreled firearms, and firearm silencers, as defined in ORS 166.272;
 - 2. Failure to appear, as defined in ORS 162.195 and ORS 162.205;
 - 3. Felon in possession of a firearm, as defined in ORS 166.270;
 - 4. Fleeing or Attempting to Elude, as defined in ORS 811.540;
 - 5. Resisting arrest, as defined in ORS 162.315;
 - 6. Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.385;
 - 7. Escape in any degree, as defined in ORS 162.145, ORS 162.155, and ORS 162.165; and unauthorized departure, as defined in ORS 162.175;
 - 8. Fugitive complaint in accordance with ORS 133.743-133.783 (Uniform Criminal Extradition Act);
 - 9. Bias crime in the first degree, as defined in ORS 166.165;
 - 10. Violation of a restraining order (FAPA, EPPDAPA, SAPO); and
 - 11. Tampering with a witness, as defined in ORS 162.285.

SECTION 2: CRITERIA FOR CONDITIONAL RELEASES:

4. In addition to the crimes listed in Crime Category 2, the following circumstances will require special conditions of release:
 - a. Any Category 1 offense with a named victim or location;
 - b. Any offense committed with a co-defendant;
 - c. The individual is visibly intoxicated at interview; or
 - d. Substance misuse is indicated in the Probable Cause Affidavit

SECTION 3: CRITERIA FOR OVERRIDING CIRCUMSTANCES:

5. The person-specific criteria set forth on attached Exhibit A will require holding the individual for arraignment, regardless of crime category.

SECTION 4: RELEASE DECISION PROCESS:

6. Release decisions made by the Sheriff or Release Assistance Officer shall be made in a two-step process:

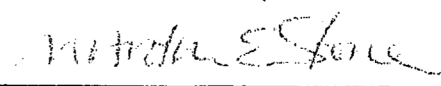
STEP 1: Identify the crime(s) the individual is charged with and the Crime Category of the charge(s).

STEP 2: Determine if there are any overriding circumstances that require that the individual be held or released on conditions, and what conditions apply.

7. The State Court Administrator maintains and will update a Release Guidelines Categorization List. The List is available on the OJD website [Release guidelines categorization list \(oregon.gov\)](https://www.oregon.gov/courts/court-administration/release-guidelines-categorization-list). The List is incorporated by reference in this order. The List is a tool to determine the Crime Category of the charge the individual is facing.
8. Attached to this Order is Exhibit A, which is a chart of overriding circumstance to be used in Step 2, and what action is to be taken if a defendant meets the criteria. Exhibit A is hereby incorporated into this Order.
9. Attached to this Order is Exhibit B, which is a chart of special conditions of release to be used in Step 2. Exhibit B is hereby incorporated into this Order.

This Presiding Judge Order takes effect July 1, 2023, supersedes all previous orders on the same subject and shall remain in effect until further Order of this Court.

Dated this 16th day of June 2023



Martin E. Stone, Presiding Judge

CRITERIA FOR OVERRIDING CIRCUMSTANCES

OVERRIDING CIRCUMSTANCES	CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
Individual does not meaningfully participate in the release process	Hold for arraignment or first appearance, unless released on a security release agreement ("SRA") as allowed by law		
A direct threat of violence to a victim, law enforcement officer, or anyone else connected to the case; or a risk of flight	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Current charge of violation of a court order or prior contempt conviction for violation of a court order	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Any outstanding warrants or holds	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Any prior FTA conviction	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Any prior conviction for an offense that is the same or similar as the offense the person is charged with, if the offense is a felony or class A misdemeanor. For property crimes, a similar crime is any crime listed in ORS 137.717(2)	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Current charge of harassment, the victim is a family or household member, and the individual resides with the victim	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Violation of supervised probation, parole or post-prison supervision	Hold for arraignment, first appearance or parole hearing, unless released on a SRA as allowed by law		
Individual is on a release agreement and is back in jail with a new criminal charge	Hold for arraignment or first appearance, unless released on a SRA as allowed by law		
Any Category 1 offense with a named victim or location	Move to Category 2		
Any incident involving a Co-Defendant	Move to Category 2		

CRITERIA FOR CONDITIONAL RELEASE

The following offense-specific criteria lead to the following conditions:

CHARGE	SPECIAL CONDITION OF RELEASE
DUII	- No possession or consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries; - No driving vehicle unless licensed and insured
Non-DV person crimes eligible for release with special conditions	- No contact with the victim; - No entry onto premises, business or other location occupied by the victim - No possession or access to firearms or other deadly weapons; - If intoxicants are implicated in the charge, no consumption of intoxicants; - No contact with co-defendants
Any Category 1 offense with a named victim or location	No contact with victim or specific location within county
Any possession, delivery, or manufacture of a controlled substance	- No consumption of intoxicants; - No use or possession of controlled substances without valid prescription; - No entry into liquor stores, taverns, bars, or dispensaries.
Aggravated DWS	No driving without a valid license or insurance

The following person-specific criteria lead to the following conditions:

CRITERIA	CONDITION OF RELEASE
Person is visibly intoxicated	- No possession or consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries; - No use or possession of controlled substances without valid prescription.