

## Chapter 134

### Compromising Certain Cases; Dismissal of Actions

#### COMPROMISE

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#### CROSS REFERENCES

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|---|---|
| Discharge of codefendant to be witness for other codefendant, 136.370 | Discharge of indictment for want of prosecution, 136.120 to 136.140 |
| Discharge of codefendant to be witness for state, 136.360             | 134.120<br>Postponement of trial, 136.070                           |



**COMPROMISE**

**134.010 Crimes subject to being compromised.** When a defendant is held to answer on a charge of misdemeanor for which the person injured by the act constituting the crime has a remedy by a civil action, the crime may be compromised, as provided in ORS 134.020, except when it was committed:

- (1) By or upon an officer of justice while in the execution of the duties of his office;
- (2) Riotously; or
- (3) With an intent to commit a felony.

**134.020 Satisfaction of injured person; discharge of defendant.** If the party injured appears before the court at which the defendant is bound to appear, at any time before trial on an indictment for the crime, and acknowledges in writing that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs and expenses incurred, order all further proceedings to be stayed upon the prosecution and the defendant to be discharged therefrom; but the order and the reasons therefor must be entered in the journal.

**134.030 Discharge as bar to prosecution.** The order authorized by ORS 134.020, when made and entered, is a bar to another prosecution for the same crime.

**134.040 Exclusiveness of procedure.** No crime can be compromised nor can any proceeding for the prosecution or punishment thereof be stayed upon a compromise, except as provided in this chapter.

**134.050 to 134.100** [Reserved for expansion]

**DISMISSAL**

**134.110 Delay in finding indictment.** When a person has been held to answer for a crime, if an indictment is not found against him at the next term of the court at which he is held to answer, the court shall order

the prosecution to be dismissed, unless good cause to the contrary is shown.

**134.120 Delay in bringing defendant to trial.** If a defendant indicted for a crime, whose trial has not been postponed upon his application or by his consent, is not brought to trial at the next term of the court in which the indictment is triable after it is found, the court shall order the indictment to be dismissed, unless good cause to the contrary is shown.

**134.130 Where there is reason for the delay.** If the defendant is not indicted or tried, as provided in ORS 134.110 and 134.120, and sufficient reason therefor is shown, the court may order the action to be continued from term to term and in the meantime may discharge the defendant from custody on his own undertaking of bail for his appearance to answer the charge or action at the time to which the same is continued.

**134.140 Effect of dismissal.** (1) If the court directs the charge or action to be dismissed, the defendant, if in custody, shall be discharged. If he has been admitted to bail, his bail is exonerated and money deposited in lieu of bail shall be refunded to him.

(2) An order for the dismissal of a charge or action, as provided in this chapter, is a bar to another prosecution for the same crime if the crime is a misdemeanor; but it is not a bar if the crime charged is a felony.

**134.150 Dismissal on motion of court or district attorney.** The court may, either of its own motion or upon the application of the district attorney, and in furtherance of justice, order an action, after indictment, to be dismissed; but in that case, the reasons of the dismissal shall be set forth in the order, which shall be entered in the journal.

**134.160 Nolle prosequi; discontinuance by district attorney.** The entry of a nolle prosequi is abolished, and the district attorney cannot discontinue or abandon a prosecution for a crime, except as provided in ORS 134.150.

