

NOTICE SEEKING PUBLIC COMMENT ON OUT-OF-CYCLE AMENDMENT OF UTCR 4.130

(Comment Period Closes, August 19, 2026, at 11:59:59 p.m.)

I. INTRODUCTION

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rule (UTCR) 4.130 by Chief Justice Order [\(CJO\) 20-019](#), effective July 1, 2026.

II. SUBMISSION OF WRITTEN COMMENTS

You can submit written comments by:

- Click on the button below, next to the rule;
- Email (utcr@ojd.state.or.us); or
- Traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563).

Please submit your comments so that we receive them by 11:59:59 p.m. on August 19, 2026. Comments will be reviewed by the UTCR Committee at its next meeting on October 22, 2026.

III. OUT-OF-CYCLE AMENDMENTS

For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is show in {**braces, underline, and bold**}. New rules are shown without the use of [*brackets and italics*] or {**braces, underline, and bold**}.

1. **4.130**—CAPTION REQUIREMENT FOR REFILED CHARGING INSTRUMENTS

EXPLANATION

UTCR 4.130 was adopted by [CJO 26-006](#), effective March 9, 2026, to facilitate adequate tracking within the Oregon Judicial Department (OJD) of criminal charges that are refiled after dismissal due to the lack of available court-appointed counsel. However, after the rule was adopted it became clear that the rule needed to be amended to further specify that the charging instruments must be filed into a new case instead of the previously dismissed case. [CJO 26-019](#) amends UTCR 4.130 to specify that district attorneys must initiate a new criminal case for all charges that have been refiled after a prior dismissal without prejudice by the court.

AMENDMENT

4.130 CAPTION REQUIREMENT FOR REILING CHARGING INSTRUMENTS

In addition to any other requirements imposed by statute or rule, *[if]{when}* a prosecuting attorney files a charging instrument *[that]*initiat[es]{ing} a criminal action *[and is]*based on charges previously dismissed without prejudice by the court[,]{;} *[the caption of the charging instrument must include the phrase: “Refiling after prior dismissal without prejudice.”]*

{(1) The caption must include the phrase: “Refiling after prior dismissal without prejudice;” and

{(2) The charging instrument must be filed as a new case and may not be filed into the previously dismissed criminal case.}