

¹⁶ If the RAO is unable to contact the victim, the RAO puts a note in the file to that effect.

¹⁷ ORS section 135.265

¹⁸ *Delany v. Shobe*, 218 Or 626, 629, 346 P2d 126 (1959). Contra, e.g., the California Supreme Court opinion *In re Humphrey*, 11 Cal.5th 135 (2021) (Conditioning pretrial release from custody solely on whether an arrestee can afford bail is an unconstitutional violation of the arrestee’s state and federal substantive due process rights to pretrial liberty.) Guideline 2 of the Chief Justice’s Release Guidelines contains a provision that “courts must strive to ensure that release conditions are available to all defendants and not contingent upon a defendant’s ability to pay.” This provision is interpreted by Oregon authorities to apply solely to explicit pre-arraignment conditions of release set by the releasing authority not to the court’s use of security release to detain an individual.

¹⁹ See n.13, *supra*.

²⁰ See n.13, *supra*.

²¹ The Chief Justice’s Release Guidelines do not include provisions regarding victim notification and input, as prescribed by ORS Section 135.233 (2)(c); this may be attributable to the same challenge.

²² See n.6, *supra*.

²³ See, e.g., Collins, J. (July 1, 2022). Collins: Pre-trial justice for all the norm in our nation. Yamhill Valley News Register. Available at <https://newsregister.com/article?articleTitle=collins-pre-trial-justice-for-all-the-norm-in-our-nation--1656706337--43638-->

²⁴ Oregon Judicial Branch (n.d.). *Pretrial Programs*. Available at <https://www.courts.oregon.gov/programs/pretrial/Pages/default.aspx>. There has been at least some law enforcement resistance. See Klamath County Sheriff’s Office (June 18, 2022). Press release: *KCSO advises community regarding SB48; criminal releases*. Available at <https://www.klamathfallsnews.org/news/kcso-advises-community-regarding-sb48-criminal-releases>.