

# Senate Bill 81

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## 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 **as introduced**.

Expands information that court must provide to defendant before defendant enters plea of guilty or no contest.

## A BILL FOR AN ACT

1  
2 Relating to criminal procedure; amending ORS 135.385.

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

4 **SECTION 1.** ORS 135.385 is amended to read:

5 135.385. (1) The court shall not accept a plea of guilty or no contest to a felony or other charge  
6 on which the defendant appears in person without first addressing the defendant personally and  
7 determining that the defendant understands the nature of the charge.

8 (2) The court shall inform the defendant:

9 (a) That by a plea of guilty or no contest the defendant waives the right:

10 (A) To trial by jury;

11 (B) Of confrontation; and

12 (C) Against self-incrimination.

13 (b) Of the maximum possible sentence on the charge, including the maximum possible sentence  
14 from consecutive sentences.

15 (c) When the offense charged is one for which a different or additional penalty is authorized by  
16 reason of the fact that the defendant may be adjudged a dangerous offender, that this fact may be  
17 established after a plea in the present action, thereby subjecting the defendant to different or addi-  
18 tional penalty.

19 (d) That if the defendant is not a citizen of the United States conviction of a crime may result,  
20 under the laws of the United States, in deportation, exclusion from admission to the United States  
21 or denial of naturalization.

22 (e) That if the defendant is entering a guilty plea pursuant to a plea offer and agreed disposition  
23 recommendation under ORS 135.405, the court will agree to impose sentence as provided in the  
24 agreed disposition recommendation.

25 **(f) That if the defendant enters a plea of guilty or no contest to an offense involving do-**  
26 **estic violence, as defined in ORS 135.230, and is convicted of the offense, federal law may**  
27 **prohibit the defendant from possessing, receiving, shipping or transporting any firearm or**  
28 **firearm ammunition and that the conviction may negatively affect the defendant's ability to**  
29 **serve in the Armed Forces of the United States as defined in ORS 348.282 or to be employed**  
30 **in law enforcement.**

**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.

