

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure
Vote: 5 - 0 - 0
Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays: 0
Exc.: 0
Prepared By: Shannon Sivell, Counsel
Meeting Dates: 5/15

WHAT THE MEASURE DOES: Requires any plea petition involving dismissal of criminal charges to include provisions detailing how court is to address dismissed counts if plea is subsequently withdrawn or judgment of conviction is reversed or set aside.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: When criminal cases are resolved by a plea, generally some of the charges are dismissed pursuant to the agreement. In instances where a plea is subsequently withdrawn, a judgment is reversed, or post-conviction relief is granted, the status of the previously dismissed charges is called into question. Under current law, a court may lack authority to revive dismissed charges. *State v. Dinsmore*, 200 Or. App. 432 (2005). HB 2262A addresses this issue by requiring plea petitions to explicitly state whether a court shall reinstate all charges in the event that the conviction pursuant to plea is reversed, vacated or set aside. In agreements where the defendant agrees that the charges must be reinstated, the defendant must also waive his or her speedy trial rights and statute of limitations arguments with respect to the reinstated counts.