

House Bill 3310

Sponsored by Representative RILEY

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**.

Precludes court from entering judgment of conviction less than 72 hours after defendant tenders plea of guilty or no contest, unless trial is scheduled within 72-hour period.

A BILL FOR AN ACT

1
2 Relating to criminal procedure; amending ORS 135.360.

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

4 **SECTION 1.** ORS 135.360 is amended to read:

5 135.360. (1) Except as provided in subsection (2) of this section, a plea of guilty or no contest
6 to a crime punishable as a felony shall in all cases be put in by the defendant in person in open
7 court unless upon an accusatory instrument against a corporation, in which case it may be put in
8 by counsel.

9 (2) Any circuit judge may, within any county in the own district of the judge other than the
10 county where the accusation is pending, accept pleas of guilty or no contest from persons charged
11 with a crime punishable as a felony and pass sentence thereon upon written request of the accused
12 and the attorney of the accused and upon not less than one day's notice to the district attorney.
13 Judgments based upon such pleas and sentences entered upon the pleas are as effective as though
14 heard and determined in open court in the county where the accusation is pending. Judges accepting
15 the pleas shall transmit the pleas to the clerk of the court in the county where the accusation is
16 pending, whereupon the clerk shall file and enter the pleas to become effective from the date of
17 filing.

18 (3) A judge may accept a plea of guilty or no contest under subsection (1) of this section by si-
19 multaneous electronic transmission, as defined in ORS 131.045, without the agreement of the state
20 or the defendant if the plea is entered at arraignment and the type of simultaneous electronic
21 transmission available allows the defendant to observe the court and the court to observe the de-
22 fendant.

23 (4) **Unless the trial of the criminal action is scheduled to begin within 72 hours, when a**
24 **defendant tenders a plea of guilty or no contest to any criminal charge, the court may accept**
25 **the plea but shall withhold entry of a judgment of conviction. Not less than 72 hours after**
26 **the plea has been accepted, the court shall hold a hearing and shall afford the defendant an**
27 **opportunity to withdraw the plea under ORS 135.365. If the defendant does not withdraw the**
28 **plea, the court may enter the judgment of conviction.**
29

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.