

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 999

By COMMITTEE ON JUDICIARY

February 12

1 On page 1 of the printed A-engrossed bill, line 2, delete “and 135.886” and insert “, 135.886 and  
2 135.896”.

3 On page 2, delete lines 22 through 33 and insert “of the offense, except that diversion may not  
4 be offered if the offense:

5 “(a) Involved serious physical injury to another person;

6 “(b) Is classified as a Class A or B felony and involved physical injury to another person;

7 “(c) Is described in ORS 163.365, 163.375, 163.395, 163.405, 163.408, 163.411 or 163.427; or

8 “(d) Involved domestic violence as defined in ORS 135.230 and, at the time the offense was  
9 committed, the defendant was subject to a protective order in favor of the victim of the offense.

10 “(4) As used in this section:

11 “(a) ‘Physical injury’ and ‘serious physical injury’ have the meanings given those terms in ORS  
12 161.015.

13 “(b) ‘Protective order’ means:

14 “(A) An order issued under ORS 30.866, 107.700 to 107.735, 124.005 to 124.040 or 163.730 to  
15 163.750; or

16 “(B) A condition of probation, parole or post-prison supervision, or a release agreement under  
17 ORS 135.250, that prohibits the defendant from contacting the victim.

18 “**SECTION 3.** ORS 135.896 is amended to read:

19 “135.896. If the district attorney elects to offer diversion in lieu of further criminal proceedings  
20 and the defendant, with the advice of counsel, agrees to the terms of the proposed agreement, in-  
21 cluding a waiver of the right to a speedy trial, the court shall stay further criminal proceedings for  
22 a definite period. **Except as provided in section 5 of this 2010 Act**, the stay shall not exceed 270  
23 days in the case of a defendant charged with commission of a felony, and shall not exceed 180 days  
24 in the case of a defendant charged with the commission of a misdemeanor. If the defendant declines  
25 diversion, the court shall resume criminal proceedings.

26 “**SECTION 4.** **Section 5 of this 2010 Act is added to and made a part of ORS 135.881 to**  
27 **135.901.**

28 “**SECTION 5.** **When a diversion agreement authorized under ORS 135.886 (3) involves do-**  
29 **estic violence as defined in ORS 135.230, in addition to a waiver of the right to a speedy**  
30 **trial, the agreement must require the servicemember to enter a plea of guilty or no contest**  
31 **to each domestic violence offense charged in the accusatory instrument. If the**  
32 **servicemember, with the advice of counsel, agrees to the terms of the agreement and enters**  
33 **a plea of guilty or no contest to each domestic violence offense charged in the accusatory**  
34 **instrument, the court shall stay further criminal proceedings involving the domestic violence**  
35 **offenses for a definite period not to exceed two years.**

1        **“SECTION 6.** Section 5 of this 2010 Act and the amendments to ORS 135.881 and 135.886  
2 by sections 1 and 2 of this 2010 Act apply to offenses for which there has not been an adju-  
3 dication of guilt on or before the effective date of this 2010 Act.

4        **“SECTION 7.** This 2010 Act being necessary for the immediate preservation of the public  
5 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect  
6 on its passage.”.

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