

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/16/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 04/06, 04/16

Vote:

Yeas: 7 - Barker, Barton, Greenlick, Lininger, Olson, Post, Williamson

Exc: 2 - Krieger, Sprenger

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Authorizes defendant to request district attorney to approve extension of stay of criminal proceedings in district attorney diversion. Requires court to grant extension upon district attorney approval. Allows defendant to request extension after district attorney request for termination.

ISSUES DISCUSSED:

- Common sense nature of the bill
- Substance of the bill
- Lack of meaningful opposition

EFFECT OF COMMITTEE AMENDMENT:

Eliminates 30-day time requirement contained in original bill for defendant's request for extension. Allows defendant to request extension after district attorney request for termination.

BACKGROUND:

ORS 135.896 sets out the parameters for "district attorney diversion" in criminal cases. When a defendant is charged with a crime, the district attorney may elect to forgo a traditional prosecution in lieu of a "diversion" or "set-over sentencing." In order for such an agreement to be effective, the defendant must have advice of counsel, agree to the terms in the district attorney's proposed agreement, and waive all rights to speedy trial. The diversion, however, must have a definite period. If a defendant is charged with a felony, the stay shall not exceed 270 days. By contrast, if the defendant is charged with a misdemeanor, the stay shall not exceed 180 days.

House Bill 2980 A allows a defendant to request that the district attorney extend the period of the stay. Felony charges may be extended an additional 270 days while misdemeanor charges may be extended an additional 180 days. Should the parties come to such an agreement, the bill states that the court is required to enter the order commensurate with the agreement. Lastly, the bill allows a defendant to request an extension of diversion even after a district attorney files a request for termination with the court.