

# House Bill 2980

Sponsored by Representative BENTZ; Representatives BARKER, KRIEGER, OLSON, Senator FERRIOLI (at the request of Oregon District Attorneys Association)

## 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**.

Authorizes defendant to request district attorney to approve extension of stay of criminal proceedings for district attorney diversion. Requires court to extend stay upon approval of request by district attorney.

## A BILL FOR AN ACT

1  
2 Relating to district attorney diversion; creating new provisions; and amending ORS 135.896.

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

4 **SECTION 1.** ORS 135.896 is amended to read:

5 135.896. (1) If the district attorney elects to offer diversion in lieu of further criminal pro-  
6 ceedings and the defendant, with the advice of counsel, agrees to the terms of the proposed agree-  
7 ment, including a waiver of the right to a speedy trial, the court shall stay further criminal  
8 proceedings for a definite period. Except as provided in ORS 135.898 **and subsection (2) of this**  
9 **section**, the stay shall not exceed 270 days in the case of a defendant charged with commission of  
10 a felony, and shall not exceed 180 days in the case of a defendant charged with the commission of  
11 a misdemeanor. If the defendant declines diversion, the court shall resume criminal proceedings.

12 **(2) Within 30 days prior to the end of the stay of criminal proceedings described in sub-**  
13 **section (1) of this section, the defendant may request that the district attorney approve an**  
14 **extension of the stay for a period up to 270 days in the case of a defendant charged with the**  
15 **commission of a felony and up to 180 days in the case of a defendant charged with the com-**  
16 **mission of a misdemeanor. If the district attorney approves the extension, the district at-**  
17 **torney shall notify the court and the court shall order an extension of the stay of criminal**  
18 **proceedings for the approved period of time.**

19 **SECTION 2.** The amendments to ORS 135.896 by section 1 of this 2015 Act apply to di-  
20 version agreements entered into on or after the effective date of this 2015 Act.

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**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.