



*J. M. Manning Jr.*  
3-1-18

From the Desk of  
Senator  
James Ivory Manning Jr.

**HB 4149A**  
Please Vote "Yes" Today

Passed **Unanimously** out of House & Senate Judiciary Committees

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## Prohibiting Unjust Waivers in Plea and Release Agreements

### As Amended, HB 4149A Prohibits:

- ✓ Waiver of the accused's right to appear at their own trial as a condition of release from jail;
- ✓ Waiver of the prosecutor's obligation to disclose evidence proving the defendant is innocent;
- ✓ Waiver of the accused's right to obtain a copy of the recording of grand jury proceedings;
- ✓ Stipulation by defense counsel or the accused that a law is unconstitutional.

### OCDLA Supports HB 4149A because:

- ✓ Almost 95% of state convictions are the result of a guilty plea.<sup>1</sup> The United States Supreme Court recently stated, the criminal justice system is "system of pleas, not a system of trials."<sup>2</sup> HB 4149 ensures that the release and plea process are more balanced in two very important ways—a defendant will never have to sign away their right to be present at their own trial, and they will never be required to agree a law is unconstitutional in order to obtain a fair plea deal.
- ✓ The reforms in HB 4149A are good for the system. Defendants will be forced to waive fewer of their rights in order to be released and in order to secure plea agreements, two of the most significant points in a criminal case.

**OCDLA encourages your "aye" vote!**

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<sup>1</sup> *Lafler v. Cooper*, 132 S. Ct. 1376, 1388 (2012).

<sup>2</sup> *Id.*

3/1/2018

Mary Sofia, [msofia@ocdla.org](mailto:msofia@ocdla.org), Oregon Criminal Defense Lawyers Association