

D R A F T

SUMMARY

Requires district attorney of each county to adopt written policies concerning guilty except for insanity cases. Requires policies to be adopted and made available to public no later than December 1, 2022.

A BILL FOR AN ACT

Relating to district attorney policies; creating new provisions; and amending ORS 8.705.

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

SECTION 1. ORS 8.705 is amended to read:

8.705. (1) The district attorney in each county shall develop and formally adopt written office policies concerning all of the following subject areas:

(a) Pretrial discovery, including:

(A) The process for obtaining discovery.

(B) Compliance with discovery obligations required by Oregon and federal law.

(C) Existing agreements with law enforcement agencies on data retention and data sharing.

(D) Costs charged for discovery materials.

(b) Prosecutorial ethics, including compliance with the rules of professional conduct adopted under ORS 9.490.

(c) Confidentiality, including obtaining and handling confidential information.

(d) The use of certified law students.

(e) Charging decisions concerning:

1 (A) Driving under the influence of intoxicants under ORS 813.010 or
2 813.011.

3 (B) Controlled substance crimes.

4 (C) The aggregation of property offenses under ORS 164.043, 164.045,
5 164.055, 164.057, 164.061, 164.098, 164.125, 164.140, 164.367, 165.013, 165.055,
6 165.694 or 165.803.

7 (D) Crimes constituting domestic violence as defined in ORS 135.230.

8 (E) Misdemeanor crimes.

9 (F) Crimes requiring mandatory minimum sentences.

10 (f) The decision whether to present evidence for purposes of seeking the
11 death penalty under ORS 163.150.

12 (g) Plea offers.

13 (h) Civil compromise under ORS 135.703 to 135.709.

14 (i) Diversion programs.

15 (j) Requests for the imposition of fines and fees, including attorney fees
16 for appointed counsel.

17 (k) If an early disposition program exists in the county, eligibility and
18 standard disposition recommendations.

19 (L) If any treatment court exists in the county, eligibility and standard
20 disposition recommendations.

21 (m) If any pre-arrest diversion program exists in the county, eligibility.

22 (n) The consideration of collateral consequences of conviction, including
23 immigration consequences.

24 (o) Sentencing programs, including alternative incarceration programs,
25 conditional release, work release, earned sentence reductions and short-term
26 transitional leave.

27 (p) The filing of an affidavit and motion for change of judge under ORS
28 14.260.

29 (q) Victim engagement and involvement, including but not limited to in-
30 volvement in charging decisions.

31 (r) Pretrial release under ORS 135.230 to 135.290, including the amount

1 of security release requested for charged offenses and objections to release.

2 **(s) Cases involving a guilty except for insanity defense, including**
3 **the decision whether to stipulate or object to a defendant being found**
4 **guilty except for insanity.**

5 (2) The district attorney shall ensure that the policies described in sub-
6 section (1) of this section are available to the public on the district
7 attorney's website.

8 (3) No later than five years after the initial adoption of the policies de-
9 scribed in subsection (1) of this section, and every five years thereafter, the
10 district attorney shall:

11 (a) Review the policies, make revisions to the policies as necessary and
12 readopt the policies; and

13 (b) Make the revised policies available to the public on the district
14 attorney's website.

15 **SECTION 2. The district attorney of each county shall, no later**
16 **than December 1, 2022, revise the policies required by ORS 8.705 to**
17 **include the policies described in ORS 8.705 (1)(s), readopt the revised**
18 **policies and make the revised policies available to the public.**