

## HB 3201 -2 STAFF MEASURE SUMMARY

### House Committee On Judiciary

---

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/18

---

#### **WHAT THE MEASURE DOES:**

Prohibits agreements for deferred resolution of criminal cases from requiring the defendant from entering a plea of guilty or no contest on any charge in the accusatory instrument. Requires the agreement to contain a waiver of certain constitutional rights relating to trial if a defendant fails to fulfill the obligations of the agreement.

Prohibits admission of police reports or other documents associated with criminal charges as evidence to establish factual basis for a finding of guilty.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-2 Prohibits police reports or other documents associated with the criminal charges to be admitted into evidence and used to establish a factual basis for finding the defendant guilty unless the court resumes proceedings after diversion is terminated under ORS 135.901.

##### **BACKGROUND:**

ORS 135.891 currently requires a defendant, prior to entering a diversion agreement, to plead guilty to or stipulate to certain facts establishing guilty to a criminal charge. A diversion agreement carries the understanding that if the defendant fulfills the obligations of the program described therein, the criminal charges will be dismissed with prejudice. Upon violation of a term or condition of the agreement the court may enter an adjudication of guilt and a conviction may be entered.

House Bill 3201 prohibits agreements for diversion from containing requirements that the defendant admit guilt or facts that establish the defendant's guilt. The bill instead provides that a defendant will agree to waive certain trial rights that would otherwise be available upon termination from a diversion agreement.