
Diversion Programs Should be Accessible to All Qualified Individuals

HB 3201 allows *all* individuals who otherwise *already qualify* for diversion programs under current law to enter diversion without fear of adverse immigration consequences.

Overview:

- Oregon has an interest in providing its residents with an opportunity to learn from their mistakes.
- To that end, Oregon allows certain (usually first-time) criminal offenders to seek “diversion” or “conditional discharge,” and take classes or seek treatment for the betterment of the person and the community.

Current Practice:

- Unfortunately, current immigration laws treat pleas entered in order to enter Oregon diversions the same as full “convictions.”
- This means that a person placed into a diversion program can be detained by immigration and deported, defeating Oregon’s goals and disrupting the community.

Solution:

- This bill amends the current “diversion” and “conditional discharge” provisions to prevent them from being considered “convictions” under immigration law.
- This change preserves Oregon’s goals in creating these programs by allowing all otherwise already qualified individuals to access these programs without fear of immigration consequences.
- This bill safeguards efficiency and does NOT disrupt the way that diversions and conditional discharges function currently.

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