

**SB 1002 -1 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 4/8

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**WHAT THE MEASURE DOES:**

Directs the Oregon Criminal Justice Commission to conduct a study on the relationship between recidivism rates and the length of prison sentences and present the results of the study, along with any recommended legislative changes, in a report to the interim committees of the Legislative Assembly related to the judiciary in the manner provided under ORS 192.245 on or before September 15, 2020.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Replaces the measure. Prohibits a district attorney from conditioning a plea offer on a defendant's waiver of eligibility for transitional leave under ORS 421.168 or eligibility for a reduction in the term of incarceration under ORS 421.120 or 421.121.

**BACKGROUND:**

In cases in which it appears that the interest of the public in the effective administration of criminal justice would thereby be served, and in accordance with the criteria set forth in ORS 135.415, the district attorney may engage in plea discussions for the purpose of reaching a plea agreement. A plea agreement is an agreement between the defendant and the prosecutor in a criminal case where a defendant avoids trial and the uncertainty attendant in a trial for the certainty of the plea agreement. A plea agreement often contains dismissal of charges or an agreed sentence in return for a guilty or no contest plea. Sometimes these plea agreements can involve waiver of certain rights, such as the right to Alternative Incarceration Programs or waiver of the right to a preliminary hearing.

Senate Bill 1002-1 would prohibit district attorneys from requiring a defendant to waive their right to eligibility for Alternative Incarceration Programs or reductions in terms of incarceration when they receive a sentence that includes imprisonment in the Department of Corrections.