

HB 3419 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 4/24

WHAT THE MEASURE DOES:

Prohibits prosecuting attorney from conditioning plea offer on defendant's waiver of specified statutory and constitutional rights.

ISSUES DISCUSSED:

- Heard for the purpose of referring to House Committee on Rules

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A plea agreement is an agreement between a prosecutor and a defendant that avoids the uncertainty of a criminal trial. Plea agreements are contractual in nature and are negotiated by the parties based on the facts and circumstances of the case and the surrounding law. The vast majority of plea agreements include a guilty plea in exchange for the dismissal of charges or an agreed upon sentence. Over the past several years, the Legislative Assembly has adopted statutes regulating the contents of these agreements, the vast majority of which involve the State of Oregon as a party.

In 2013, the Legislative Assembly prohibited prosecutors from conditioning a plea agreement on the defendant giving up the right to receive evidence that might negate the defendant's guilt or mitigate the defendant's punishment. In 2017, the prohibition was expanded to include the defendant's right to receive an audio recording of grand jury proceedings. More recently, in 2018, the Legislative Assembly prohibited prosecutors from conditioning plea agreements on the defendant agreeing that a law is unconstitutional. In addition, this 2018 legislation prohibited conditioning the defendant's pretrial release from custody on an agreement that the defendant may be tried in absentia.

House Bill 3419 expands the class of statutory and constitutional rights and abilities that the prosecutor may not require the defendant to waive as a condition of entering a plea agreement.