

HB 3201 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 5/7

WHAT THE MEASURE DOES:

Prohibits agreements for deferred resolution of criminal cases from requiring the defendant enter 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 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.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law currently requires a defendant, prior to entering a diversion agreement, to plead guilty to or stipulate to certain facts establishing guilt to a criminal charge. ORS 135.891. 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 A prohibits agreements for diversion from containing requirements that the defendant admit guilt or facts that establish the defendant's guilt. The measure instead provides that a defendant will agree to waive certain trial rights that would otherwise be available upon termination from a diversion agreement.