

## DIVERSION IS AVAILABLE



### ENTER PLEA

Defendant enters plea of "guilty" or "no contest" as requirement before entering any diversion offered by the District Attorney or court.

## IF DIVERSION IS TERMINATED



### CONVICTION

Defendant will have a court hearing. If judge terminates diversion, court enters conviction based on defendant's guilty plea. Defendant is convicted and sentenced.

## SUCCESSFUL DIVERSION COMPLETION



### DISMISSAL WITHOUT CONVICTION\*\*\*

Judge does not officially "enter" plea made at beginning of diversion and dismisses case with prejudice. A citizen benefits from process without a conviction.

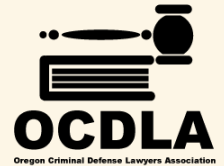
*\*\*\* Non-citizen still wind up with a "conviction" for immigration purposes.*

# OREGON'S CURRENT DIVERSION PROCESS



V.

# OREGON'S DIVERSION PROCESS UNDER HB 3201



## DIVERSION IS AVAILABLE



### WAIVER OF RIGHTS

In lieu of entering a "guilty" or "no contest" plea, the defendant enters diversion waving the following rights:

- speedy trial and jury trial;
- present evidence on defendant's behalf;
- confront witnesses;
- contest presented evidence (including hearsay)

## IF DIVERSION IS TERMINATED



### CONVICTION

Defendant will have a court hearing. If judge terminates diversion, court finds defendant guilty based on waiver of rights and uncontested evidence presented, such as police report. Defendant is convicted and sentenced.

## SUCCESSFUL DIVERSION COMPLETION



### DISMISSAL WITHOUT CONVICTION

Judge dismisses case with prejudice. Citizens and non-citizens alike benefit from successful diversion completion and leave process without a conviction for all purposes and without adverse consequences.