

SB 1002 A -A2 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 6/6, 6/10

WHAT THE MEASURE DOES:

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.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A2 Expands prohibition to include eligibility for reduction in sentence, leave or release from custody or other program for which eligibility is determined by court or supervising agency.

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 factors that the prosecutor may not require the defendant to waive as a condition of entering a plea agreement.