

SB 1002 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 04/09/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-2-0-0

Yeas: 5 - Fagan, Gelser, Linthicum, Manning Jr, Prozanski

Nays: 2 - Bentz, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 4/8, 4/9

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:

- Department of Corrections should decide program eligibility
- Eligibility for good time should not be decided at sentencing
- Does not affect mandatory minimum sentencing restrictions

EFFECT OF AMENDMENT:

Replaces the measure.

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 A 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.