

A-Engrossed
House Bill 3224

Ordered by the Senate May 28
Including Senate Amendments dated May 28

Sponsored by Representatives PILUSO, WILLIAMSON; Representatives GORSEK, HERNANDEZ, KENY-GUYER, MCLAIN, Senators BOQUIST, DEMBROW, FAGAN, FREDERICK, LINTHICUM, MANNING JR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs district attorney of each county to, no later than December 1, 2020, develop and adopt policies relating to discovery, charging decisions, [*and case disposition*] **sentencing and program recommendations and other specified subjects**, and to make policies available to public on website. Requires review and readoption of policies every five years.

A BILL FOR AN ACT

Relating to district attorney policies.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The district attorney in each county shall develop and formally adopt written office policies concerning all of the following subject areas:

(a) Pretrial discovery, including:

(A) The process for obtaining discovery.

(B) Compliance with discovery obligations required by Oregon and federal law.

(C) Existing agreements with law enforcement agencies on data retention and data sharing.

(D) Costs charged for discovery materials.

(b) Prosecutorial ethics, including compliance with the rules of professional conduct adopted under ORS 9.490.

(c) Confidentiality, including obtaining and handling confidential information.

(d) The use of certified law students.

(e) Charging decisions concerning:

(A) Driving under the influence of intoxicants under ORS 813.010 or 813.011.

(B) Controlled substance crimes.

(C) The aggregation of property offenses under ORS 164.043, 164.045, 164.055, 164.057, 164.061, 164.098, 164.125, 164.140, 164.367, 165.013, 165.055, 165.694 or 165.803.

(D) Crimes constituting domestic violence as defined in ORS 135.230.

(E) Misdemeanor crimes.

(F) Crimes requiring mandatory minimum sentences.

(f) The decision whether to present evidence for purposes of seeking the death penalty under ORS 163.150.

(g) Plea offers.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(h) Civil compromise under ORS 135.703 to 135.709.**
2 **(i) Diversion programs.**
3 **(j) Requests for the imposition of fines and fees, including attorney fees for appointed**
4 **counsel.**
5 **(k) If an early disposition program exists in the county, eligibility and standard disposi-**
6 **tion recommendations.**
7 **(L) If any treatment court exists in the county, eligibility and standard disposition rec-**
8 **ommendations.**
9 **(m) If any pre-arrest diversion program exists in the county, eligibility.**
10 **(n) The consideration of collateral consequences of conviction, including immigration**
11 **consequences.**
12 **(o) Sentencing programs, including alternative incarceration programs, conditional re-**
13 **lease, work release, earned sentence reductions and short-term transitional leave.**
14 **(p) The filing of an affidavit and motion for change of judge under ORS 14.260.**
15 **(q) Victim engagement and involvement, including but not limited to involvement in**
16 **charging decisions.**
17 **(r) Pretrial release under ORS 135.230 to 135.290, including the amount of security release**
18 **requested for charged offenses and objections to release.**
19 **(2) The district attorney shall ensure that the policies described in subsection (1) of this**
20 **section are available to the public on the district attorney’s website.**
21 **(3) No later than five years after the initial adoption of the policies described in sub-**
22 **section (1) of this section, and every five years thereafter, the district attorney shall:**
23 **(a) Review the policies, make revisions to the policies as necessary and readopt the poli-**
24 **cies; and**
25 **(b) Make the revised policies available to the public on the district attorney’s website.**
26 **SECTION 2.** **The district attorney of each county shall develop, adopt and make available**
27 **to the public the initial version of the policies described in section 1 of this 2019 Act no later**
28 **than December 1, 2020.**

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