

House Bill 3224

Sponsored by Representatives PILUSO, WILLIAMSON; Representatives GORSEK, HERNANDEZ, MCLAIN, Senators BOQUIST, DEMBROW, FAGAN, FREDERICK, LINTHICUM

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 **as introduced**.

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 and to make policies available to public on website. Requires review and readoption of policies every five years.

A BILL FOR AN ACT

1
2 Relating to district attorney policies.

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

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

6 (a) **Pretrial discovery, including:**

7 (A) **The process for obtaining discovery.**

8 (B) **Compliance with discovery obligations required by the Oregon and United States**
9 **Constitutions, and training on compliance with those obligations.**

10 (C) **Existing agreements, and the creation of new agreements, with law enforcement**
11 **agencies on data retention and data sharing.**

12 (D) **Costs charged for discovery materials.**

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

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

16 (d) **Qualification standards for prosecutors by case type.**

17 (e) **The use of certified law students.**

18 (f) **Charging decisions concerning:**

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

20 (B) **Controlled substance crimes.**

21 (C) **The aggregation of property offenses under ORS 164.043, 164.045, 164.055, 164.057,**
22 **164.061, 164.098, 164.125, 164.140, 164.367, 165.013, 165.055, 165.694 or 165.803.**

23 (D) **Environmental crimes.**

24 (E) **Crimes constituting domestic violence as defined in ORS 135.230.**

25 (F) **Misdemeanor crimes.**

26 (G) **Prosecutions under ORS 137.707.**

27 (H) **Crimes requiring mandatory minimum sentences.**

28 (I) **The decision whether to present evidence for purposes of sentencing a defendant to**
29 **death.**

30 (g) **Case disposition decisions concerning:**

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 **(A) Plea bargaining.**
 - 2 **(B) Civil compromise under ORS 135.703 to 135.709.**
 - 3 **(C) Requests for the imposition of fines and fees, including attorney fees for appointed**
 - 4 **counsel.**
 - 5 **(D) The use of restorative justice.**
 - 6 **(E) Pre-plea and post-plea diversion programs.**
 - 7 **(F) The consideration of collateral consequences of conviction, including immigration**
 - 8 **consequences.**
 - 9 **(G) Sentencing programs, including alternative incarceration programs, conditional re-**
 - 10 **lease, work release, earned sentence reductions and short-term transitional leave.**
 - 11 **(h) The filing of an affidavit and motion for change of judge under ORS 14.260.**
 - 12 **(i) Victim engagement and involvement in charging decisions.**
 - 13 **(j) Pretrial release under ORS 135.230 to 135.290, including the amount of security release**
 - 14 **requested for charged offenses and objections to release.**
 - 15 **(2) The district attorney shall ensure that the policies described in subsection (1) of this**
 - 16 **section are available to the public on the district attorney’s website.**
 - 17 **(3) No later than five years after the initial adoption of the policies described in sub-**
 - 18 **section (1) of this section, and every five years thereafter, the district attorney shall:**
 - 19 **(a) Review the policies, make revisions to the policies as necessary and readopt the poli-**
 - 20 **cies; and**
 - 21 **(b) Make the revised policies available to the public on the district attorney’s website.**
 - 22 **SECTION 2.** **The district attorney of each county shall develop, adopt and make available**
 - 23 **to the public the initial version of the policies described in section 1 of this 2019 Act no later**
 - 24 **than December 1, 2020.**
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