

Enrolled
Senate Bill 1002

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to sentencing; creating new provisions; and amending section 2, chapter 37, Oregon Laws 2018.

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

SECTION 1. Section 2, chapter 37, Oregon Laws 2018, is amended to read:

Sec. 2. (1) A prosecuting attorney may not condition a defendant's plea offer on:

(a) The defendant's waiver of:

(A) The disclosure obligation of ORS 135.815 (1)(g).

(B) The ability to receive the audio recording of grand jury proceedings as permitted under ORS 132.270, if the indictment has been indorsed "a true bill."

(C) **Eligibility for transitional leave under ORS 421.168.**

(D) **Eligibility for a reduction in the term of incarceration under ORS 421.120 or 421.121.**

(E) **Eligibility for any reduction in sentence, leave or release from custody or any other program for which the executing or releasing authority may consider the defendant, including programs for which the executing or releasing authority determines eligibility and programs for which consideration must be ordered by the sentencing court under ORS 137.750.**

(b) A requirement that the defendant or the defense attorney stipulate to the unconstitutionality of an existing law.

(2)(a) A plea agreement may not contain a provision prohibited by subsection (1) of this section.

(b) A prohibited provision described in subsection (1) of this section in a plea agreement is contrary to public policy and is void and unenforceable.

(3) **As used in this section, "executing or releasing authority" has the meaning given that term in ORS 137.750.**

SECTION 2. The amendments to section 2, chapter 37, Oregon Laws 2018, by section 1 of this 2019 Act apply to plea agreements entered into on or after the effective date of this 2019 Act.

Passed by Senate May 16, 2019

Repassed by Senate June 29, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 18, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State