

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3224**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page
2 2 and insert:

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

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

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

8 **“(B) Compliance with discovery obligations required by Oregon and**
9 **federal law.**

10 **“(C) Existing agreements with law enforcement agencies on data**
11 **retention and data sharing.**

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

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

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

17 **“(d) The use of certified law students.**

18 **“(e) Charging decisions concerning:**

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

21 **“(B) Controlled substance crimes.**

1 “(C) The aggregation of property offenses under ORS 164.043,
2 164.045, 164.055, 164.057, 164.061, 164.098, 164.125, 164.140, 164.367, 165.013,
3 165.055, 165.694 or 165.803.

4 “(D) Crimes constituting domestic violence as defined in ORS
5 135.230.

6 “(E) Misdemeanor crimes.

7 “(F) Crimes requiring mandatory minimum sentences.

8 “(f) The decision whether to present evidence for purposes of seek-
9 ing the death penalty under ORS 163.150.

10 “(g) Plea offers.

11 “(h) Civil compromise under ORS 135.703 to 135.709.

12 “(i) Diversion programs.

13 “(j) Requests for the imposition of fines and fees, including attorney
14 fees for appointed counsel.

15 “(k) If an early disposition program exists in the county, eligibility
16 and standard disposition recommendations.

17 “(L) If any treatment court exists in the county, eligibility and
18 standard disposition recommendations.

19 “(m) If any pre-arrest diversion program exists in the county, el-
20 igibility.

21 “(n) The consideration of collateral consequences of conviction, in-
22 cluding immigration consequences.

23 “(o) Sentencing programs, including alternative incarceration pro-
24 grams, conditional release, work release, earned sentence reductions
25 and short-term transitional leave.

26 “(p) The filing of an affidavit and motion for change of judge under
27 ORS 14.260.

28 “(q) Victim engagement and involvement, including but not limited
29 to involvement in charging decisions.

30 “(r) Pretrial release under ORS 135.230 to 135.290, including the

1 amount of security release requested for charged offenses and ob-
2 jections to release.

3 “(2) The district attorney shall ensure that the policies described in
4 subsection (1) of this section are available to the public on the district
5 attorney’s website.

6 “(3) No later than five years after the initial adoption of the policies
7 described in subsection (1) of this section, and every five years there-
8 after, the district attorney shall:

9 “(a) Review the policies, make revisions to the policies as necessary
10 and readopt the policies; and

11 “(b) Make the revised policies available to the public on the district
12 attorney’s website.

13 **“SECTION 2. The district attorney of each county shall develop,
14 adopt and make available to the public the initial version of the poli-
15 cies described in section 1 of this 2019 Act no later than December 1,
16 2020.”.**

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