

SB 218 A STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/12/21

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

Vote: 4-2-1-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 2 - Linthicum, Thatcher

Exc: 1 - Heard

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 2/1, 2/2, 4/12

WHAT THE MEASURE DOES:

Expands types of charges eligible for conditional discharge to include any misdemeanor or Class C felony if defendant has been accepted into specialty court. Specifies waiver of rights requirements of eligible defendant and terms of probationary agreement.

ISSUES DISCUSSED:

- Mirrors existing language for specialty court program statutes
- Not intended to affect current system practice
- Objective to provide access to benefits of specialty courts to more individuals

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Under ORS 137.533, whenever a person pleads guilty to, or is found guilty of, a misdemeanor other than driving while under the influence of intoxicants or other than a misdemeanor involving domestic violence, the court may defer further proceedings and place the person on probation, upon motion of the district attorney and without entering a judgment of guilt.

Senate Bill 218 A creates a new statute that expands the cases for which a court may defer further proceedings to include any misdemeanor or Class C felony if defendant has been accepted into specialty court.