

Senate Bill 200

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Psychiatric Security Review Board)

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**.

Requires district attorney of each county to adopt written policies concerning guilty except for insanity cases. Requires policies to be adopted and made available to public no later than December 1, 2022.

A BILL FOR AN ACT

1
2 Relating to district attorney policies; creating new provisions; and amending ORS 8.705.

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

4 **SECTION 1.** ORS 8.705 is amended to read:

5 8.705. (1) The district attorney in each county shall develop and formally adopt written office
6 policies concerning all of the following subject areas:

7 (a) Pretrial discovery, including:

8 (A) The process for obtaining discovery.

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

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

11 (D) Costs charged for discovery materials.

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

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

15 (d) The use of certified law students.

16 (e) Charging decisions concerning:

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

18 (B) Controlled substance crimes.

19 (C) The aggregation of property offenses under ORS 164.043, 164.045, 164.055, 164.057, 164.061,
20 164.098, 164.125, 164.140, 164.367, 165.013, 165.055, 165.694 or 165.803.

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

22 (E) Misdemeanor crimes.

23 (F) Crimes requiring mandatory minimum sentences.

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

26 (g) Plea offers.

27 (h) Civil compromise under ORS 135.703 to 135.709.

28 (i) Diversion programs.

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

30 (k) If an early disposition program exists in the county, eligibility and standard disposition rec-

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 ommendations.

2 (L) If any treatment court exists in the county, eligibility and standard disposition recommen-
3 dations.

4 (m) If any pre-arrest diversion program exists in the county, eligibility.

5 (n) The consideration of collateral consequences of conviction, including immigration conse-
6 quences.

7 (o) Sentencing programs, including alternative incarceration programs, conditional release, work
8 release, earned sentence reductions and short-term transitional leave.

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

10 (q) Victim engagement and involvement, including but not limited to involvement in charging
11 decisions.

12 (r) Pretrial release under ORS 135.230 to 135.290, including the amount of security release re-
13 quested for charged offenses and objections to release.

14 (s) **Cases involving a guilty except for insanity defense, including the decision whether**
15 **to stipulate or object to a defendant being found guilty except for insanity.**

16 (2) The district attorney shall ensure that the policies described in subsection (1) of this section
17 are available to the public on the district attorney's website.

18 (3) No later than five years after the initial adoption of the policies described in subsection (1)
19 of this section, and every five years thereafter, the district attorney shall:

20 (a) Review the policies, make revisions to the policies as necessary and readopt the policies; 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, no later than December 1, 2022,**
23 **revise the policies required by ORS 8.705 to include the policies described in ORS 8.705 (1)(s),**
24 **readopt the revised policies and make the revised policies available to the public.**

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