

# House Bill 2413

Sponsored by Representative OWENS, Senator FINDLEY (at the request of Representative Kevin Mannix) (Pre-session filed.)

## 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 that pardon, commutation and remission actions by Governor be initiated by application and follow specified procedures.

## A BILL FOR AN ACT

1  
2 Relating to executive clemency; amending ORS 144.649, 144.650 and 144.670.

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

4 **SECTION 1.** ORS 144.649 is amended to read:

5 144.649. **Subject to the procedures described in ORS 144.650, and** upon such conditions and  
6 with such restrictions and limitations as the Governor thinks proper, the Governor may grant  
7 reprieves, commutations and pardons, after convictions, for all crimes and may remit, after judgment  
8 therefor, all penalties and forfeitures.

9 **SECTION 2.** ORS 144.650 is amended to read:

10 144.650. **(1) The Governor may grant a pardon, commutation or remission only:**

11 **(a) After receiving an application; and**

12 **(b) In accordance with this section.**

13 *[(1)]* **(2)** When an application for a pardon, commutation or remission is made to the Governor,  
14 a copy of the application, signed by the person applying and stating fully the grounds of the appli-  
15 cation, shall be served upon:

16 (a) The district attorney of the county where the conviction occurred;

17 (b) If the person applying is housed in a correctional facility within the State of Oregon, the  
18 district attorney of the county in which the correctional facility is located;

19 (c) The State Board of Parole and Post-Prison Supervision; and

20 (d) The Director of the Department of Corrections.

21 *[(2)]* **(3)** Proof by affidavit of the service shall be presented to the Governor.

22 *[(3)]* **(4)** Upon receiving a copy of the application, the district attorney of the county where the  
23 conviction occurred shall:

24 (a) Notify the victim of the crime concerning the application and the victim's right to provide  
25 the Governor with any information relevant to the Governor's decision;

26 (b) Provide the Governor with any information relevant to the Governor's decision that the  
27 victim wishes to have provided; and

28 (c) Provide the Governor with copies of the following documents:

29 (A) Police and other investigative reports;

30 (B) The charging instrument;

31 (C) The plea petition, if applicable;

**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 (D) The judgment of conviction and sentence;

2 (E) Any victim impact statements submitted or filed; and

3 (F) Any documents evidencing the applying person's payment or nonpayment of restitution or  
4 compensatory fines ordered by the court.

5 [(4)] (5) In addition to providing the documents described in subsection [(3)] (4) of this section,  
6 upon receiving a copy of the application for pardon, commutation or remission, any person or agency  
7 named in subsection [(1)] (2) of this section shall provide to the Governor as soon as practicable  
8 such information and records relating to the case as the Governor may request and shall provide  
9 further information and records relating to the case that the person or agency considers relevant  
10 to the issue of pardon, commutation or remission, including but not limited to:

11 (a) Statements by the victim of the crime or any member of the victim's immediate family, as  
12 defined in ORS 163.730;

13 (b) A statement by the district attorney of the county where the conviction occurred; and

14 (c) Photos of the victim and the autopsy report, if applicable.

15 [(5)] (6) Following receipt by the Governor of an application for pardon, commutation or re-  
16 mission, the Governor shall not grant the application for at least 30 days. Upon the expiration of  
17 180 days, if the Governor has not granted the pardon, commutation or remission applied for, the  
18 application shall lapse. Any further proceedings for pardon, commutation or remission in the case  
19 shall be pursuant only to further application and notice.

20 **SECTION 3.** ORS 144.670 is amended to read:

21 144.670. When the Governor grants a reprieve, commutation or pardon or remits a fine or  
22 forfeiture, the Governor shall within 10 days thereafter file all the papers presented to the Governor  
23 in relation thereto, including any documents provided under ORS 144.650 [(3)] (4) or [(4)] (5), in the  
24 office of the Secretary of State, by whom they shall be kept as public records, open to public in-  
25 spection.