

REVENUE: No revenue impact

FISCAL: Minimal expenditure impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 1
Yeas:	Barton, Cameron, Garrett, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	Krieger
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/16, 4/16, 4/17

WHAT THE MEASURE DOES: Authorizes trial court to reinstate charges previously dismissed pursuant to a plea agreement if defendant withdraws the plea, has conviction overturned or obtains post-conviction relief. The amendment deletes the original bill and instead requires any plea petition involving the dismissal of criminal charges to include provisions detailing how the court is to address the dismissed counts if the plea is subsequently withdrawn or judgment of conviction is reversed or set aside.

ISSUES DISCUSSED:

- Statute of limitations
- Post-conviction relief
- Specific case examples
- Purpose of plea agreements
- Overturning *State v. Dinsmore*
- Effect on conditional pleas
- Principles of contract law

EFFECT OF COMMITTEE AMENDMENT: Deletes the original bill and instead requires any plea petition involving the dismissal of criminal charges to include provisions detailing how the court is to address the dismissed counts if the plea is subsequently withdrawn or judgment of conviction is reversed or set aside.

BACKGROUND: When criminal cases are resolved by a plea, generally some of the charges are dismissed pursuant to the agreement. In instances where a plea is subsequently withdrawn, a judgment is reversed or post-conviction relief is granted, the status of the previously dismissed charges is called into question. Under current law, a court may lack authority to revive dismissed charges. *State v. Dinsmore*, 200 Or. App. 432 (2005). HB 2262A addresses this issue by requiring plea petitions to explicitly state whether a court shall reinstate all charges in the event that the conviction pursuant to plea is reversed, vacated or set aside. In agreements where the defendant agrees that the charges must be reinstated, the defendant must also waive his or her speedy trial rights and statute of limitations arguments with respect to the reinstated counts.

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This summary has not been adopted or officially endorsed by action of the committee.