

HB 3201 Explanation of Process

This Bills Fixes Current Process and Does NOT Disrupt how Diversions Function:

Current Practice:

You enter plea of guilty as requirement before entering diversion → enter and go through diversion →

- **if fail** → have a court hearing → if judge terminates you from diversion → court enters conviction based on your plea of guilty you gave at beginning of process → you are convicted and sentenced
- **if successful** → have a court hearing → Judge congratulates you, does not officially “enter” your plea made at beginning of diversion, and dismisses case with prejudice →
 - → **a citizen benefits from process** if successful diversion completion and leaves process without a conviction
 - → **a non-citizen, even if they do everything right, does not benefit from the process**—if you’re a non-citizen, the dismissal doesn’t matter and your plea at the beginning means you still wind up with a “conviction” for immigration purposes

This bill:

You waive rights to a trial and to challenge evidence against you (instead of entering a plea of guilty) → enter and go through diversion

- **if fail** → have a court hearing → if judge terminates you from diversion → court finds you guilty based on police report and your rights you waived at beginning of process → you are convicted and sentenced
- **if successful** → have a court hearing → Judge congratulates you and dismisses case with prejudice → citizens and non-citizens alike benefit from successful diversion completion and leave process without a conviction

What this means: The ultimate ease of process is the SAME, but the end result is fairer. When we crafted this bill, we went to great lengths to make sure this process will work. It works in other states already.

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