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May 20, 2019

The Honorable Senator Prozanski, Chair  
The Honorable Senator Thatcher, Vice-Chair  
Senate Judiciary Committee Members

RE: Testimony in Support of House Bill 3201

Dear Chair Prozanski and Members of the Committee,

I am writing today to recommend support for the diversionary concepts contained within HB 3201.

I have been a prosecutor for the City of Spokane for eighteen years and the City Prosecutor for the past five years. Our jurisdiction has used Stipulated Orders of Continuance (SOC) as a diversionary tool for over two decades. SOC's provide an excellent legal vehicle for offenders to resolve their cases without the collateral consequences that pleas of guilty create.

SOC's have been greatly beneficial to the efficiency of the criminal justice system in Spokane. Most SOC agreements are completed successfully. Sometimes, however, individuals do fail to comply with SOC terms and conditions. These failures do not damage the strength of the prosecutor's case. Stipulations to the accuracy of police reports limit what the defense can argue at revocation hearings. The prosecution's case is in the same position on the date of SOC revocation as it was on the date of SOC initiation. The trial court simply determines whether the evidence presented by the prosecution meets the legal standard needed for conviction. This process, however, rarely occurs. The vast majority of SOC revocations are resolved by an agreed plea because of the restrictions stipulations and waivers contained within the agreements place upon the defense. When a failed SOC does proceed to bench trial, the stipulations provide for a very efficient hearing. Normally these hearings last only a few minutes. Offenders are rarely found not guilty at the conclusion of an SOC revocation bench trial.

The contents of HB 3201 mirror the diversionary concepts contained within SOC's commonly used in the State of Washington. SOC's serve as an effective tool for prosecutors across our state. HB 3201 would provide Oregon criminal law practitioners the same tool. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Bingham", with a long horizontal flourish extending to the right.

Justin H. Bingham  
Spokane City Prosecutor