

HB 3419 STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/04/19

Action: Without recommendation as to passage and be referred to Rules.

Vote: 11-0-0-0

Yeas: 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 4/4

WHAT THE MEASURE DOES:

Prohibits prosecuting attorney from conditioning plea offer on waiver of specified rights, eligibility of specified programs, and legal challenges.

ISSUES DISCUSSED:

- Heard for the purpose of referring to House Committee on Rules

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In cases in which it appears that the interest of the public in the effective administration of criminal justice would thereby be served, and in accordance with the criteria set forth in ORS 135.415, the district attorney may engage in plea discussions for the purpose of reaching a plea agreement. A plea agreement is an agreement between the defendant and the prosecutor in a criminal case where a defendant avoids trial and the uncertainty attendant in a trial for the certainty of the plea agreement. A plea agreement often contains dismissal of charges or an agreed sentence in return for a guilty or no contest plea. Sometimes plea agreements can involve waiver of certain rights, such as the right to Alternative Incarceration Programs or waiver of the right to a preliminary hearing.

House Bill 3419 prohibits a prosecuting attorney from conditioning a plea offer with waiver of certain rights, eligibility of certain programs, or legal challenges.