

Enrolled
House Bill 3224

Sponsored by Representatives PILUSO, WILLIAMSON; Representatives GORSEK, HERNANDEZ, KENY-GUYER, MCLAIN, Senators BOQUIST, DEMBROW, FAGAN, FREDERICK, LINTHICUM, MANNING JR

CHAPTER

AN ACT

Relating to district attorney policies.

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

SECTION 1. (1) **The district attorney in each county shall develop and formally adopt written office policies concerning all of the following subject areas:**

- (a) Pretrial discovery, including:**
 - (A) The process for obtaining discovery.**
 - (B) Compliance with discovery obligations required by Oregon and federal law.**
 - (C) Existing agreements with law enforcement agencies on data retention and data sharing.**
 - (D) Costs charged for discovery materials.**
- (b) Prosecutorial ethics, including compliance with the rules of professional conduct adopted under ORS 9.490.**
- (c) Confidentiality, including obtaining and handling confidential information.**
- (d) The use of certified law students.**
- (e) Charging decisions concerning:**
 - (A) Driving under the influence of intoxicants under ORS 813.010 or 813.011.**
 - (B) Controlled substance crimes.**
 - (C) The aggregation of property offenses under ORS 164.043, 164.045, 164.055, 164.057, 164.061, 164.098, 164.125, 164.140, 164.367, 165.013, 165.055, 165.694 or 165.803.**
 - (D) Crimes constituting domestic violence as defined in ORS 135.230.**
 - (E) Misdemeanor crimes.**
 - (F) Crimes requiring mandatory minimum sentences.**
- (f) The decision whether to present evidence for purposes of seeking the death penalty under ORS 163.150.**
- (g) Plea offers.**
- (h) Civil compromise under ORS 135.703 to 135.709.**
- (i) Diversion programs.**
- (j) Requests for the imposition of fines and fees, including attorney fees for appointed counsel.**
- (k) If an early disposition program exists in the county, eligibility and standard disposition recommendations.**

(L) If any treatment court exists in the county, eligibility and standard disposition recommendations.

(m) If any pre-arrest diversion program exists in the county, eligibility.

(n) The consideration of collateral consequences of conviction, including immigration consequences.

(o) Sentencing programs, including alternative incarceration programs, conditional release, work release, earned sentence reductions and short-term transitional leave.

(p) The filing of an affidavit and motion for change of judge under ORS 14.260.

(q) Victim engagement and involvement, including but not limited to involvement in charging decisions.

(r) Pretrial release under ORS 135.230 to 135.290, including the amount of security release requested for charged offenses and objections to release.

(2) The district attorney shall ensure that the policies described in subsection (1) of this section are available to the public on the district attorney's website.

(3) No later than five years after the initial adoption of the policies described in subsection (1) of this section, and every five years thereafter, the district attorney shall:

(a) Review the policies, make revisions to the policies as necessary and readopt the policies; and

(b) Make the revised policies available to the public on the district attorney's website.

SECTION 2. The district attorney of each county shall develop, adopt and make available to the public the initial version of the policies described in section 1 of this 2019 Act no later than December 1, 2020.

Passed by House April 24, 2019

Received by Governor:

Repassed by House June 11, 2019

.....M.,....., 2019

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate June 6, 2019

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Peter Courtney, President of Senate

.....
Bev Clarno, Secretary of State