

SB 218 A STAFF MEASURE SUMMARY

Carrier: Rep. Kropf

House Committee On Judiciary

Action Date: 05/25/21

Action: Do Pass the A-Eng bill.

Vote: 6-4-0-0

Yeas: 6 - Bynum, Dexter, Helm, Kropf, Power, Wilde

Nays: 4 - Lewis, Morgan, Noble, Wallan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/20, 5/24, 5/25

WHAT THE MEASURE DOES:

Expands types of charges eligible for conditional discharge to include any misdemeanor or Class C felony if defendant has been accepted into specialty court. Specifies waiver of rights requirements of eligible defendant and terms of probationary agreement.

ISSUES DISCUSSED:

- Mirrors existing language for specialty court program statutes
- Not intended to affect current specialty court system practices
- Objective to provide access to benefits of specialty courts to more individuals currently barred
- District Attorney agreement required for individuals to be eligible for conditional discharge

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 137.533, whenever a person pleads guilty to, or is found guilty of, a misdemeanor other than driving while under the influence of intoxicants or other than a misdemeanor involving domestic violence, the court may defer further proceedings and place the person on probation, upon motion of the district attorney and without entering a judgment of guilt.

Senate Bill 218 A expands the cases for which a court may defer further proceedings to include any misdemeanor or Class C felony if defendant has been accepted into specialty court.