

House Bill 3117

Sponsored by Representative NOSSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits prosecuting attorney from conditioning plea agreement on stipulation of defendant's ability to pay attorney fees for appointed counsel or other defense fees and expenses.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to plea agreements; amending ORS 135.418; and prescribing an effective date.

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

4 **SECTION 1.** ORS 135.418 is amended to read:

5 135.418. (1) A prosecuting attorney may not condition a defendant's plea offer on:

6 (a) The defendant's waiver of:

7 (A) The disclosure obligation of ORS 135.815 (1)(g).

8 (B) The ability to receive the audio recording of grand jury proceedings as permitted under ORS
9 132.270, if the indictment has been indorsed "a true bill."

10 (C) Eligibility for transitional leave under ORS 421.168.

11 (D) Eligibility for a reduction in the term of incarceration under ORS 421.120 or 421.121.

12 (E) Eligibility for any reduction in sentence, leave or release from custody or any other program
13 for which the executing or releasing authority may consider the defendant, including programs for
14 which the executing or releasing authority determines eligibility and programs for which consider-
15 ation must be ordered by the sentencing court under ORS 137.750.

16 (b) A requirement that the defendant or the defense attorney stipulate to the unconstitutionality
17 of an existing law.

18 **(c) A requirement that the defendant or the defense attorney stipulate to the ability of**
19 **the defendant to pay attorney fees for appointed counsel, or fees and expenses incurred**
20 **pursuant to preauthorization under ORS 135.055.**

21 (2)(a) A plea agreement may not contain a provision prohibited by subsection (1) of this section.

22 (b) A prohibited provision described in subsection (1) of this section in a plea agreement is
23 contrary to public policy and is void and unenforceable.

24 (3) As used in this section, "executing or releasing authority" has the meaning given that term
25 in ORS 137.750.

26 **SECTION 2. This 2021 Act takes effect on the 91st day after the date on which the 2021**
27 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

28

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.