

# House Bill 2900

Sponsored by Representative CATE (Pre-session filed.)

## 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**.

Requires that all executive clemency actions by Governor be initiated by application and follow specified procedures.

## A BILL FOR AN ACT

1  
2 Relating to executive clemency; amending ORS 144.649, 144.650 and 144.670.

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

4 **SECTION 1.** ORS 144.649 is amended to read:

5 144.649. **Subject to the procedures described in ORS 144.650, and** upon such conditions and  
6 with such restrictions and limitations as the Governor thinks proper, the Governor may grant  
7 reprieves, commutations and pardons, after convictions, for all crimes and may remit, after judgment  
8 therefor, all penalties and forfeitures.

9 **SECTION 2.** ORS 144.650 is amended to read:

10 144.650. **(1) The Governor may grant a reprieve, pardon, commutation or remission only:**

11 **(a) After receiving an application; and**

12 **(b) In accordance with this section.**

13 *[(1)]* **(2)** When an application for a **reprieve**, pardon, commutation or remission is made to the  
14 Governor, a copy of the application, signed by the person applying and stating fully the grounds of  
15 the application, shall be served upon:

16 (a) The district attorney of the county where the conviction occurred;

17 (b) If the person applying is housed in a correctional facility within the State of Oregon, the  
18 district attorney of the county in which the correctional facility is located;

19 (c) The State Board of Parole and Post-Prison Supervision; and

20 (d) The Director of the Department of Corrections.

21 *[(2)]* **(3)** Proof by affidavit of the service shall be presented to the Governor.

22 *[(3)]* **(4)** Upon receiving a copy of the application, the district attorney of the county where the  
23 conviction occurred shall:

24 (a) Notify the victim of the crime concerning the application and the victim's right to provide  
25 the Governor with any information relevant to the Governor's decision;

26 (b) Provide the Governor with any information relevant to the Governor's decision that the  
27 victim wishes to have provided; and

28 (c) Provide the Governor with copies of the following documents:

29 (A) Police and other investigative reports;

30 (B) The charging instrument;

31 (C) The plea petition, if applicable;

**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.

1 (D) The judgment of conviction and sentence;

2 (E) Any victim impact statements submitted or filed; and

3 (F) Any documents evidencing the applying person's payment or nonpayment of restitution or  
4 compensatory fines ordered by the court.

5 [(4)] (5) In addition to providing the documents described in subsection [(3)] (4) of this section,  
6 upon receiving a copy of the application for **reprieve**, pardon, commutation or remission, any person  
7 or agency named in subsection [(1)] (2) of this section shall provide to the Governor as soon as  
8 practicable such information and records relating to the case as the Governor may request and shall  
9 provide further information and records relating to the case that the person or agency considers  
10 relevant to the issue of **reprieve**, pardon, commutation or remission, including but not limited to:

11 (a) Statements by the victim of the crime or any member of the victim's immediate family, as  
12 defined in ORS 163.730;

13 (b) A statement by the district attorney of the county where the conviction occurred; and

14 (c) Photos of the victim and the autopsy report, if applicable.

15 [(5)] (6) Following receipt by the Governor of an application for **reprieve**, pardon, commutation  
16 or remission, the Governor shall not grant the application for at least 30 days. Upon the expiration  
17 of 180 days, if the Governor has not granted the **reprieve**, pardon, commutation or remission applied  
18 for, the application shall lapse. Any further proceedings for **reprieve**, pardon, commutation or re-  
19 mission in the case shall be pursuant only to further application and notice.

20 **SECTION 3.** ORS 144.670 is amended to read:

21 144.670. When the Governor grants a reprieve, commutation or pardon or remits a fine or  
22 forfeiture, the Governor shall within 10 days thereafter file all the papers presented to the Governor  
23 in relation thereto, including any documents provided under ORS 144.650 [(3)] (4) or [(4)] (5), in the  
24 office of the Secretary of State, by whom they shall be kept as public records, open to public in-  
25 spection.