

SB 1169 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 3/18

WHAT THE MEASURE DOES:

The measure authorizes a court, if it is in the interest of justice and a benefit to the defendant and the community, to defer further proceedings and place a person on probation prior to entering a plea on any charge other than Ballot Measure 11 offenses and driving under the influence of intoxicants. The measure also removes the requirements of specialty court acceptance and district attorney consent and allows a defendant to have more than one discharge and dismissal after fulfilling the probation agreement.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 137.532, whenever a person is charged with a misdemeanor or a Class C felony, an offense other than driving while under the influence of intoxicants and has been formally accepted into a specialty court, the court, with the consent of the district attorney and the person may defer further proceedings and place the person on probation.

Senate bill 1169 would expand eligibility for pre-plea conditional discharge to all offenses except Ballot Measure 11 (1994) crimes and driving under the influence of intoxicants without requiring consent from the district attorney or a specialty court.