

B-Engrossed
Senate Bill 1002

Ordered by the House June 11
Including Senate Amendments dated May 14 and House Amendments
dated June 11

Sponsored by COMMITTEE ON JUDICIARY

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.

Prohibits prosecuting attorney from conditioning defendant's plea offer on waiver of eligibility for transitional leave, [*or certain*] sentence reductions **or other programs for which executing or releasing authority may consider defendant.**

A BILL FOR AN ACT

1
2 Relating to sentencing; creating new provisions; and amending section 2, chapter 37, Oregon Laws
3 2018.

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

5 **SECTION 1.** Section 2, chapter 37, Oregon Laws 2018, is amended to read:

6 **Sec. 2.** (1) A prosecuting attorney may not condition a defendant's plea offer on:

7 (a) The defendant's waiver of:

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

9 (B) The ability to receive the audio recording of grand jury proceedings as permitted under ORS
10 132.270, if the indictment has been indorsed "a true bill."

11 **(C) Eligibility for transitional leave under ORS 421.168.**

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

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

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

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

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

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

24 **SECTION 2.** The amendments to section 2, chapter 37, Oregon Laws 2018, by section 1
25 of this 2019 Act apply to plea agreements entered into on or after the effective date of this
26 2019 Act.

27

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.