

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

January 21, 1999 Hearing Room 357

8:30 a.m. Tape 5

MEMBERS PRESENT: Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Bowman

Rep. Hansen

Rep. Simmons

MEMBERS EXCUSED: Rep. Gianella

Rep. Sunseri

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

MEASURE/ISSUES HEARD:

Possible Measure Introduction

HB 2293 Public Hearing and Possible Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 5, A		

004	Chair Mannix	Called meeting to order at 8:30 a.m.
<u>HB 2293 PUBLIC HEARING</u>		
014	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in support of the HB 2293 giving a definition of stipulated facts trial, and discusses a conditional plea which preserves the defendant's right to be heard on appeal. States it would serve the convenience of both sides and the court to use this conditional plea procedure in lieu of the stipulated facts.
049	Chair Mannix	This conditional plea has to be agreed upon by both sides as well as by the court, no single party to the proceeding may insist upon it?
050	Swenson	Yes.
053	Rep. Prozanski	States this bill should save time and money. Explains what is happening now in Oregon courts with regard to stipulated facts.
074	Counsel Horton	Asks on page 1, lines 15-16, if defense prevails at the Oregon Appellate court level and the State wanted to appeal that ruling to the Oregon Supreme Court, what would happen procedurally?
081	Swenson	States she does not know the answer.
083	Chair Mannix	Asks if putting in "a defendant who <i>finally</i> prevails on appeal may withdraw the plea" might clarify that?
086	Swenson	Yes, that might resolve the issue. Suggests that the state public defender's and Attorney General's office might be conferred with to see if there is a mechanism dealing with this.
092	Rep. Prozanski	Asks why a plea would be to withdraw if the court finds a valid basis for their legal defense?
104	Swenson	States it does seem like a self-resolving issue.
111	Rep. Prozanski	Asks Counsel to check with Tim Sylvester, Department of Justice, on this issue.
121	Chair Mannix	States contact should be made with the Public Defender who handles appeals as well as the Attorney General's office, appellate section, to get their input.
137	Chair Mannix	Closes Public Hearing on HB 2293 at 8:40 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson

Administrative Support Office Manager