

From the office of Rep. Hernandez
HB-47

DIVERSION IS AVAILABLE



ENTER PLEA

Defendant enters plea of "guilty" or "no contest" as requirement before entering any diversion offered by the District Attorney or court.

IF DIVERSION IS TERMINATED



CONVICTION

Defendant will have a court hearing. If judge terminates diversion, court enters conviction based on defendant's guilty plea. Defendant is convicted and sentenced.

SUCCESSFUL DIVERSION COMPLETION



DISMISSAL WITHOUT CONVICTION***

Judge does not officially "enter" plea made at beginning of diversion and dismisses case with prejudice. A citizen benefits from process without a conviction.

*** Non-citizen still wind up with a "conviction" for immigration purposes.

OREGON'S CURRENT DIVERSION PROCESS



v.

HB 4/23/19



OREGON'S DIVERSION PROCESS UNDER HB 3201

DIVERSION IS AVAILABLE



WAIVER OF RIGHTS

In lieu of entering a "guilty" or "no contest" plea, the defendant enters diversion waving the following rights:

- speedy trial and jury trial;
- present evidence on defendant's behalf;
- confront witnesses;
- contest presented evidence (including hearsay)

IF DIVERSION IS TERMINATED



CONVICTION

Defendant will have a court hearing. If judge terminates diversion, court finds defendant guilty based on waiver of rights and uncontested evidence presented, such as police report. Defendant is convicted and sentenced.

SUCCESSFUL DIVERSION COMPLETION



DISMISSAL WITHOUT CONVICTION

Judge dismisses case with prejudice. Citizens and non-citizens alike benefit from successful diversion completion and leave process without a conviction for all purposes and without adverse consequences.