



# Oregon District Attorneys Association, Inc.

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April 5, 2017

TO: Honorable Jeff Barker, Chair  
Members of the House Judiciary Committee

FROM: Tim Colahan, Executive Director, Oregon District Attorneys Association

RE: HB 3380 – Family Sentencing Alternative Pilot Program

The Oregon District Attorneys Association supports updating and improving the Family Sentencing Alternative Pilot Program but **OPPOSES HB 3380**.

Instead, the legislature should adopt SB 895, which was considered by the Senate Judiciary Committee on April 4, 2017 and adopts the changes to the program that were unanimously agreed to by the legislature's Public Safety Task Force. Those changes include:

- Expansion of the program to allow participation by defendants who were previously convicted of person crimes. This broad exception makes eligible even those with prior convictions for serious violent felonies.
- Expansion of the program to include women pregnant at the time of the offense or at the time of sentencing.
- Authority of the Department of Corrections to identify new jurisdictions in which to expand the program.

Each of these changes will increase the number of participants in the program while maintaining important community safeguards. ODAA agreed to these changes, particularly the expansion of the program to include individuals with prior person felonies, based on the continuing requirement that the district attorneys and law enforcement agencies, working with victims, determines which defendants are approved for participation in the program.

HB 3380 unnecessarily authorizes the court to permit a downward departure for any individual eligible for the FSAPP program, regardless of their participation. Such a change would mean that offenders with a history of violent behavior could receive probation, yet not receive the intensive treatment required by FSAPP. This undermines the integrity of the program and, more importantly, fails to improve the safety of the community and the affected children.

ODAA recommends **OPPOSING** HB 3380 and passing SB 895, the consensus product of the Public Safety Task Force.