



Legislative Testimony

Oregon Criminal Defense Lawyers Association

February 3, 2019

The Honorable Representative Jennifer Williamson, Chair
House Judiciary Committee, Members

Re: Testimony re: HB 2045

Dear Chair Williamson and Members of the Committee:

The Oregon Criminal Defense Lawyers Association (OCDLA) is a private, non-partisan, non-profit bar association of attorneys who represent juveniles and adults in delinquency, dependency, criminal prosecutions, appeals, civil commitment, and post-conviction relief proceedings throughout the state of Oregon. The Oregon Criminal Defense Lawyers Association serves the defense and juvenile law communities through continuing legal education, public education, networking, and legislative action. OCDLA promotes legislation beneficial to the criminal and juvenile justice systems that protects the constitutional and statutory rights of those accused of crime or otherwise involved in delinquency and dependency systems as well as to the lawyers and service providers who do this difficult work. We also advocate against issues that would harm our goals of reform within the criminal and juvenile justice systems.

Thank you for the opportunity to submit the following comments regarding HB 2045.

Over the years (through my predecessor Gail Meyer and now myself), OCDLA has participated in both the original Sex Offender Level Classification workgroup hosted by the Board of Parole and Post Prison Supervision (BPPPS) and in their subcommittee on SONL reclassification and relief. OCDLA maintains a very positive relationship with the Board, and we appreciate them asking for our input and listening and responding to our concerns.

Under the current classification law, the Board must currently complete the classification of all sex offenders under the new classification system by December 1, 2022. HB 2045 seeks to remove the deadline for completion of this process completely and directs the Board to biennially report to the Legislative Assembly beginning February 1, 2021 on their progress as to the assessment and classification processes.

OCDLA understands that with the Board's current resource level and how (potentially unnecessarily) large the pool of registrants is, the currently codified timeline is impossible to meet. As the Board will likely share with you, their numbers indicate that they will just barely make it through the backlog of registrants in the next decade. We do understand their need to revise the current statute's deadline as there is just no way they will meet it.

Our fear, of course, is that this law will never be implemented fully, and this leaves countless registrants in limbo as to their new classification and what relief is and should be available to them. While OCDLA understands that the timeline in the current law is untenable, and while we appreciate HB 2045's inclusion of legislative reports, we would like to encourage the Board and this committee to be open to new evidence based and data driven ideas that will make the implementation of this important law more manageable over the long run.

Katherine "Katie" Gotch (MA, LPC, ATSAF Oregon Certified Clinical Sex Offender Therapist Integrated Clinical & Correctional Services, LLC and historical member of the Sex Offender Level Classification workgroup), Ken Nolley (with Oregon Voices and historical member of the workgroup) and OCDLA have worked on a number of concepts with a number of the original workgroup's stakeholders that we hope to provide to this committee in a soon to be filed legislative proposal that we believe will help alleviate the burden of implementation.

/s/ Mary A. Sofia

For questions or comments contact Mary A. Sofia, OSB # 111401
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