

Testimony before the House Judiciary Committee
HB 2480
On behalf of the Oregon State Bar
April 1, 2019

Representative Williamson, members of the Committee:

Section 4 of HB 2480 makes what might appear at first glance to be a rather minor change to the Oregon Evidence Code addressing the use of interpreters and whether their statements should be considered hearsay. However, the Oregon Evidence Code is an extremely complicated body of law. It encompasses not just the statutes passed by the legislature, but decades of case law interpreting every nuance in considerable detail. Because the code is used both for civil and criminal cases, making changes to the evidence code is difficult because it is hard to be sure how these changes will play out. Changes that work very well with one type of case may cause confusion with another.

The Oregon State Bar believes that the issues that gave rise to HB 2480 are legitimate concerns that deserve to be thoughtfully considered. The use of interpreters both during trial and as part of the investigative process raises both important due process questions for litigants and practical questions for the state. These concerns are not always easy to balance. However, it is unclear to us at this time what the full effect of either the introduced bill or the -2 amendments would be in this context. Different lawyers that we have consulted have different opinions on this question.

The Bar's recommendation is that this provision of the Evidence Code not be amended at this time, and that the issue be considered more comprehensively during the interim. To the extent that we are able, the Oregon State Bar is happy to participate in such discussion and work to reach an agreement. We look forward to working through whatever process to reach a consensus the committee might choose to employ.

Respectfully submitted,

Oregon State Bar