

WRITTEN TESTIFMONY IN SUPPORT OF HB 4065

SUBMITTED TO THE HOUSE JUDICIARY COMMITTEE

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By

Edward Jones

I retired from the Circuit Court after 18 years on the bench in Multnomah County (the final two as Chief Criminal Judge). I practiced criminal law, as a defense lawyer or a public defender office director, for 20 years before that. I have participated, in one role or another, in the processing of tens of thousands of Driving While Suspended cases, many of them based on suspensions issued by courts for failure to comply with some obligation (mostly the payment of money).

HB 4065 ends the use of Failure to Comply suspensions. I support that change in the law.

Based on data I have obtained from the DMV, courts filed 88,809 such suspensions in 2016. These suspensions are intended to encourage performance by those who have failed to perform. Unfortunately, these suspensions largely fail to achieve that goal, and have a negative impact on the work of the courts and the lives of the individuals they are imposed upon.

Courts vary dramatically in their use of Failure to Comply suspensions. For example, The Dalles, St. Helens, and La Grande have roughly the same population, but their (2016) rate per thousand of issuing Failure to Comply suspensions varies from 2.7 per thousand for La Grande, to 4.5 per thousand for The Dalles, to 13 per thousand for St Helens. The variation supports the claim that the suspensions are ineffective at fund raising. In addition, all three of these municipal courts (arguably the courts with the greatest incentive to engage in aggressive collections) have a rate substantially below that of the 2016 statewide rate of 21.7 per thousand.

The net result of these suspensions is a mountain of paperwork for the courts and DMV, challenging burdens for the poorest members of our community, and very little money.

I encourage the committee to compare suspension practices with Department of Revenue data tracking fine and fee payments. I am confident that comparison will put to rest any concerns about court dependence on these suspensions for income.

HB 4065 is a good bill and a step towards equity in our courts. I encourage the committee to support it.

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