



TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 24, 2021
RE: Support for HB 2825 – Support survivors of domestic abuse in our legal system

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

My name is Mae Lee Browning and on behalf of OCDLA, I write in support of HB 2825.

The Oregon Criminal Defense Lawyers Association is a nonprofit professional association for experts, private investigators, and attorneys who represent Oregon’s children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon.

Our defense attorneys frequently represent clients accused of crimes who are survivors of domestic violence and emotional and sexual abuse. A lot of times, these survivor-defendants face M11 charges. The one-size-fits-all approach of M11 does not allow for the judge to consider the unique circumstances of each case and the circumstances of the individuals appearing before her. This results in severe and unjust accountability for survivor-defendants, criminal defendants who are survivors of domestic violence and for whom that abuse was a contributing factor in the commission of the crime.

HB 2825 would require the court to consider at sentencing evidence of domestic violence and would give the court discretion to impose a lesser sentence when the defendant is a survivor of domestic violence; that abuse was a contributing factor to their crime; and when the presumptive or mandatory sentence would be unduly harsh in light of the circumstances. It also allows for people who have already been convicted to be able to petition the court for resentencing if they did not previously present evidence of abuse at sentencing.

In a recent poll¹ across the state of Oregon, 70 percent of likely voters support legislation that would allow courts to impose shorter sentences—including resentencing people already in prison—for people who are survivors of domestic violence when the abuse was a contributing factor to the offense. There is a national trend supporting survivor-defendant bills like HB 2825. California, New York, and Illinois have recently passed similar legislation.

OCDLA urges your support for HB 2825. Thank you for the opportunity to provide this testimony.

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¹ <https://theappeal.org/the-lab/polling-memos/poll-oregon-voters-demand-reduced-prison-terms-for-domestic-violence-victims/>