



TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 26, 2021
RE: Opposition to HB 2400 and HB 2418

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 to express our concerns with HB 2400 and HB 2418.

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.

HB 2400 allows victims of sexual assault access to police records. We are concerned that victims would get the records and conform their testimony (or coach others) to match the police reports. We are also unclear about how the statute is intended to operate. Does the restriction on "compromising" an active investigation mean that these are not available to the victim until after trial? Or is the intent to restrict access to an uncooperative victim who may be aiding the defendant? Also, who decides whether the victim gets this material?

HB 2418 gives sexual assault victims access to the DA's "case file," which is not defined. We are concerned because this creates a privacy issue for defendants. The case file might include psychosexual and other psychological evaluations of the defendant, as well as address, social security number, DOB, and information about the defendant's employer and family. We are also unclear whether this access would include work product.

We encourage further discussion about these bills after session and we would welcome being a part of any workgroup that is formed. Thank you for the opportunity to provide this testimony.

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