



**TO: Sen. Floyd Prozanski, Chair
Sen. Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary and Ballot Measure 110
Implementation**

**FR: Amanda Dalton
OR District Attorneys Association
amanda@daltonadvocacy.com**

RE: Concerns with SB 835

March 29, 2021

Thank you for the opportunity to provide written testimony from the Oregon District Attorneys Association (ODAA) on SB 835. This bill would significantly expand the availability of medical parole as a mechanism for the release of individuals incarcerated in Oregon's prisons. It would create a five-to-thirteen-member Medical Advisory Committee at the Oregon Board of Parole and Post-Prison which would have the responsibility to recommend to the Parole Board whether an individual should be medically released.

The Parole Board would then have to affirm the Committee's recommendation to release unless it finds by clear and convincing evidence that the individual seeking medical release poses a specific danger to the safety of another person or the public and the danger outweighs any compassionate reasons for release. The Committee would be authorized to hire a staff attorney and Committee members would be compensated for the performance of committee work. The bill would also apply to those individuals convicted of Ballot Measure 11 crimes.

While ODAA appreciates the compassionate motivations behind this bill and recognize that the medical parole criteria has not been updated in several years, we do have concerns about the scope of this proposed legislation. Specifically:

- As currently drafted medical parole would be available for individuals serving sentences for serious person felonies, including Ballot Measure 11 crimes such as attempted murder, sexual assault and sexual abuse. ODAA opposes the inclusion of these individuals.

- SB 835 lists a broad range of conditions that would qualify a person for release. This could expand eligibility and review to a significant number of those currently serving sentences.
- There is no clear process outlined for victim participation and notification. For many of these crimes, there is certainty behind the mandatory minimums they were sentenced to. This early release could have an unsettling impact on crime victims.
- The Oregon Board of Parole, while an important public safety agency, is an agency with limited resources and staff. The agency would need a significant increase in financial resources in order to operationalize this bill and do a thorough and thoughtful review of petitions.
- While the bill does provide for the Board to make a public safety determination in deciding if release should be authorized, the bill does not expressly grant the Board the authority or the added resources to determine the individualized risks that release of an individual might present. For example, at most parole hearings the Board has the authority and the resources to order psychological evaluation of the individual petitioning for parole. The bill does not contain authority or resources for the Board to apply that standard of review to these potential releases.

Thank you for the opportunity to outline our concerns.