

**TESTIMONY ON SB 497  
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110  
IMPLEMENTATION  
MARCH 30, 2021**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR  
LEGISLATIVE AFFAIRS  
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is name is Erin M. Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). OJD does not have a position on SB 497; however, we wanted to provide the Committee with information about how circuit courts would implement the new judgment requirements created by this measure and to identify an amendment which we think would increase consistency across the state.

SB 497, both the introduced version and the -1 Amendment, direct the court to indicate in the judgment when a person is convicted of a 'designated person misdemeanor.' The measure defines that term as:

- Assault in the fourth degree constituting domestic violence as described in ORS 163.160(4).
- Menacing constituting domestic violence as described in ORS 163.190(3).
- Sexual abuse in the third degree under ORS 163.415.

To include this information in the judgment, circuit courts will need the prosecuting attorney to include information in the charging document that a person is charged with a designated person misdemeanor as the prosecuting attorney has information about the facts of the case that support this designation. Prosecuting attorneys routinely do something similar for crimes constituting domestic violence and controlled substance offenses involving substantial quantities. OJD requests an amendment to specifically require that the prosecuting attorney provide this information in the charging document by identifying the charge as a designated person misdemeanor. We discussed this proposed amendment with Oregon District Attorneys Association, and they do not oppose this change.

If the prosecuting attorney identifies a charge as a designated person misdemeanor, circuit court staff can add a charge modifier to the case. The charge modifier would display in our case management system that a charge is a designated person misdemeanor and then ensure that this information is included in the judgment.

Please do not hesitate to reach out if you have any questions. Thank you for the opportunity to provide this information to the Committee.