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To: Senate Judiciary Committee
From: Sybil Hebb, Oregon Law Center
Date: March 31st, 2021
Re: Support for SB 819

Chair Prozanski, Vice-Chair Thatcher, and members of the Committee:

On behalf of the Oregon Law Center, I submit this testimony in support of SB 819 with its pending amendments to specifically address victim safety and victim notification. This bill would allow prosecutors and defendants to co-petition a sentencing court to reconsider an imposed sentence when it no longer advances the interest of justice. OLC supports the principle of conviction integrity and we appreciate the proponents' work in reaching out to victim advocates to incorporate victim safety and notification provisions.

The Oregon Law Center (OLC) is a statewide non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. OLC uses its limited resources to serve only the most critical legal needs— food, shelter, basic medical care, physical safety, and self-sufficiency. By ensuring access to justice for our clients in these areas, we can remove barriers to escaping poverty.

Our clients interact with the criminal justice system in many ways. A significant percentage of our clients are survivors of domestic and sexual violence, who come to us seeking safety and protective measures for themselves and their children while fleeing violent abuse. And many of our clients, some of them survivors, have been subject to the criminal justice system as defendants at some point in their lives. In all circumstances, interaction with the criminal justice system, for victim and offender, is a life-altering experience with significant consequences. There is no more important challenge for Oregon policy makers than to ensure fairness in this process, for survivors as well as for defendants.

SB 819 will allow prosecutors and defense attorneys to maintain conviction integrity in compelling cases as necessary to realign sentences with the interests of fairness, proportionality and public safety. No system is perfect or free of bias, and it is well-documented that our carceral system, and its after-effects, impact Oregon's Black, Indigenous, and communities of color disproportionately, due to longstanding systemic and structural racism.¹

¹ <https://www.oregon.gov/cjc/CJC%20Document%20Library/AdultCJSystemRacialandEthnicStatementBackground.pdf>

Our systems must change, and SB 819 is a step in the right direction. When an examination of past practices reveals that a criminal sentence no longer advances the interests of justice, it is critical that there be an avenue for re-examining that sentence. SB 819 provides a measured way to allow reconsideration in compelling circumstances.

It is important to acknowledge that crime survivors also experience bias and inequity within the criminal justice system, and that crime survivors also have a stake in a fair process.² The bill as introduced acknowledges the crime survivor stake in the proposed process, and provides for victim notification and the opportunity to make a statement to the court. The proponents are working with victim advocates on amendments to enhance these provisions of the bill:

Victim Notification. The victim should receive the petition as soon as it becomes available (contemporaneously with its filing) and in any event at least 30 days prior to any hearing considering the petition. This notification must be trauma-informed – for example, providing a victims’ advocate can let the survivor know what’s happening and why, and can ensure access to support services through the process.

Victim Safety. While the victim has the right to provide a statement to the court under SB 819 as written, the bill as introduced does not require consideration of victim safety in determining whether to grant a petition. The amendment should add consideration of a victim’s safety as an enumerated statutory factor under Sec 1(3).

OLC supports SB 819 and its pending amendments as one step in improving the integrity of our criminal justice system, and we look forward to working with the proponents on the amendment language. We acknowledge that there are many additional inequities in this system for survivors as well as offenders that will not be resolved by passage of this bill. These inequities require further work. OLC is committed to supporting the voices of survivors in further reform discussions, and to the work of system change to further the interests of justice.

Thank you for your time and for your dedication to Oregonians.

² <https://www.ffsj.org/wp-content/uploads/2020/01/TRCs-Addressing-the-Needs-of-Underserved-Crime-Survivors-1.pdf>