



TO: Senate Committee On Judiciary and Ballot Measure 110 Implementation
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 31, 2021
RE: Support for SB 819 – Ensuring Justice Integrity

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

My name is Mae Lee Browning and on behalf of OCDLA, I write to express support for SB 819.

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.

California and Washington have a law that allows prosecutors to petition a sentencing court to resentence a person when their sentence no longer serves the interest of justice. Oregon does not. SB 819 would give Oregon prosecutors the ability to do what our neighbors to the north and south are doing - a mechanism to review and correct past wrongs and ensure that justice is served post-conviction.

Although prosecutors do their best to deliver fair and just results in the cases they handle, mistakes can still be made. Such mistakes can be attributed to faulty forensic evidence, for example. In other situations, our understanding of best practices of our justice system evolves such that it would be in the interests of justice and fairness to revisit a person's sentence. For example, we know that Black, Indigenous, and people of color are more often convicted for longer sentences for the same or lesser crimes as their white counterparts. Additionally, circumstances of an adult in custody could be reason to petition the court for resentencing, such as when the person suffers from a health condition that eliminates the possibility that they will pose any future dangerousness.

SB 819 ensures that justice is served post-conviction by allowing prosecutors to petition a sentencing court to make any needed modifications to a sentence term, provided that the modifications are more lenient than the original sentence. This law is discretionary so prosecutors can decide whether to utilize it and how to do so that best fits the needs of their community. SB 819 will give prosecutors a tool to revisit sentences when they no longer serve the interests of justice, a tool that they do not have right now. The current remedies available post-conviction are time-consuming for all parties and costly to the state.

Under SB 819, the sentencing court, taking into consideration a list of factors, will make the ultimate determination whether to grant the petition. SB 819 also includes robust victim's rights provisions that require that a victim not only be notified but be provided with victim advocacy



services and the right to be heard at all stages of the proceeding.

Unjust convictions erode our trust in our criminal legal system and the rule of law. SB 819 will help to maintain the integrity of our justice system by providing the ability to realign sentences with the interests of fairness, proportionality, and public safety.

OCDLA urges your support SB 819. Thank you for the opportunity to provide this testimony.

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