

**TESTIMONY ON SB 819 A
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
MAY 18, 2021**

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

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

My name is Erin M. Pettigrew, Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department (OJD). OJD is neutral on SB 819 A but supports efforts to create processes in the criminal justice system that afford all participants an opportunity to secure just outcomes that will improve the public's confidence in the criminal justice system.

We are providing brief testimony on SB 819 A to raise an issue we hope can be clarified in the bill. The bill does not expressly state when a joint petition for reconsideration of a conviction or sentence may be filed nor contain any time limitations for filing the petition. And the bill does not expressly state whether a trial court will retain jurisdiction to consider or grant a joint petition for reconsideration of a conviction or sentence while the case is on appeal in an Oregon appellate court.

Generally, after a notice of appeal is filed and before an appellate judgment is entered, a trial court loses jurisdiction over the case except in limited circumstances. As an example of those limited circumstances, ORS 137.172 expressly provides that a court may modify a judgment to correct arithmetic and clerical errors during the pendency of an appeal. As drafted, SB 819 A does not include a specific provision that allows the circuit court to retain jurisdiction for the limited purposes outlined in the bill.

OJD appreciates the goals of the bill and the intent to offer a process for the parties in a criminal case to jointly seek reconsideration of a conviction or sentence when the parties believe the sentence or conviction no longer advances the interest of justice.

Thank you for the opportunity to provide testimony.