

**TESTIMONY ON SB 218 A
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
MAY 20, 2021**

**PRESENTED BY: ERIN 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). I am pleased to offer OJD's support of SB 218 A. We view this bill as a positive step toward expanding alternatives to conviction where appropriate.

Specialty courts are described in statute as “*drug court programs, veterans’ courts, mental health courts, or any other similar court or docketing system.*” These courts rely on evidence-based standards to reduce recidivism and collateral consequences in a cost-effective manner, and target medium to high risk offenders where appropriate, as set out in ORS Chapter 137.

Adding a conditional discharge section in ORS Chapter 137 makes very clear that the opportunity to achieve a dismissal upon successful completion of a specialty court probation term is applicable in case types other than controlled substance offenses. We appreciate the ODAA introducing this bill to expand the use of conditional discharge to more specialty court participants and thank them for their collaboration.

The Oregon Judicial Department’s Strategic Campaign has two initiatives focused on the issues raised by this discussion.

Initiative 1.1 We will participate in statewide efforts to examine how to best meet the needs of Oregonians with mental and behavioral health challenges and develop best practices for courts to use in cases where those challenges must be addressed.

Initiative 1.5 We will continue efforts to expand problem-solving courts, such as veteran, family, and mental health treatment courts.

As participation in specialty courts expands to higher risk, higher need individuals in response to legislative changes and evidence-based best practices, it is important to continue examining what circumstances warrant conditional discharge. Individuals who don’t meet existing criteria but successfully complete treatment and probation may be good candidates for conditional discharge. In addition, conditional discharge may have valuable application outside the specialty court framework in the right circumstances. This is especially important to consider because not all jurisdictions have the same treatment court options.

We believe that exploring additional applications is an important step in building a stronger justice system that is responsive to the needs of our communities, and look

forward to more discussion about the appropriate expansion of these opportunities through the work of the Chief Justice's Criminal Justice Advisory Committee.

Thank you for your time and support of SB 218 A.