

**TO: House Committee on Judiciary**  
**FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association**  
**DATE: February 3, 2022**  
**RE: Opposition to HB 4108**

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

My name is Mae Lee Browning and I am providing this testimony on behalf of OCDLA.

The Oregon Criminal Defense Lawyers Association is a nonprofit professional association of 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.

OCDLA supports efforts to shrink the footprint of the criminal legal system, encourages alternatives to address harm, put compassion back into the justice system, and return discretion to judges. We want to see smart investments into public safety system and the funding of services that promote racial equity, address racial disparities prevalent in Oregon's criminal justice system, and reduce prison use. OCDLA opposes mandatory minimum sentences, increases in sentences, and expansion of the carceral system. Harsher sentences do not make us safer. For these reasons, **OCDLA is against HB 4108.**

In addition, we have the following technical concerns with HB 4108:

- When this bill was heard before this Committee in 2021, members of the Committee expressed concerns with the language in the bill. Those concerns remain in HB 4108. For example, Section 2, subsection 4 lists "permanent loss of a person's vision or hearing" under what constitutes "permanent physical injury." It is not clear the degree of the injury implicated with this wording. For example, does it mean legal blindness? Or does it include situations where a person has to wear glasses when they did not before? The language is not clear. For permanent loss of a person's hearing, what is that degree of loss? Does it include hearing loss that constitutes legal deafness? The language is not clear.
- We are concerned that the definition of "permanent physical injury" is broad enough that many Assault I and Assault II charges based on serious physical injury could be turned into this aggravated form that requires an excessively long sentence. Measure 11 sentences for Assault I and Assault II at 70 and 90 months are already too long for many cases, and 300 months would triple those timelines.

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