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**TO: Senate Committee on Judiciary**  
**FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association**  
**DATE: January 31, 2023**  
**RE: Concerns about SB 618**

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Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys 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. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

**I am testifying today to express concerns with SB 618. OCDLA is opposed to mandatory minimum sentences, which this measure imposes. We are also concerned about the disproportionate effects of the measure.**

Mandatory minimum sentencing laws were passed to end sentencing disparities between defendants and deter crime. They have failed to do both. By taking away a judge's discretion to decide how differently situated defendants are sentenced, it was thought general disparities, including racial disparities, would dissipate. They did not. Instead, mandatory minimum laws simply transferred sentencing discretion to prosecutors, who bargain under an array of overlapping criminal statutes based on their corresponding terms of incarceration. In practice, this means "one size fits all" sentences end up as plea bargaining tools. Nationally, evidence shows mandatory minimums did not affect racial disparities in sentencing, nor is there evidence that they deterred any crime. On the State level, Oregon's mandatory minimum law had the same goals, and unsurprisingly, the same results.

SB 618 applies the current firearm minimum to a person who "wears body armor during the commission of a felony." We are concerned that this would be disproportionate because it would punish someone who uses or threatens to use a firearm the same as someone who wears body armor and doesn't use or threaten to use a firearm.

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