



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 21, 2023
RE: OPPOSITION TO SB 787

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 in opposition to SB 787.

SB 787 will not protect operators of a public transit vehicles. This statute offers no extra protections to the categories of people included in it. What this bill does is affect the punishment of people convicted under this statute.

The people that will be charged under this statute are mentally ill people who will most likely qualify for public defense services. When a person is charged under this statute, they will need a felony-qualified attorney. Currently, Oregon has a shortage of felony-qualified attorneys, so they person will end up staying in jail while they wait for an attorney, and they will continue to decompensate in jail. More likely than not, the person may have mental health issues that affects their ability to aid and assist in their own defense. They will wait in jail to eventually be sent to the Oregon State Hospital for evaluation to determine whether they are "fit" enough to go back to jail to await prosecution.

SB 787 will put a strain on the already overburdened public defense and Oregon State Hospital system. This bill will not deter this type of conduct.

OCDLA urges this committee to explore other ways to protect operators of a public transit vehicles because criminalization will not achieve this goal.
