



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 4, 2023
RE: SUPPORT FOR SB 697 and SB 698

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.

OCDLA SUPPORTS SB 697 and 698.

Our country and our state believe in second chances. People can and do change. When we as a society think about sentencing a person, we think about the jail or prison sentence and possible probation and parole term. We don't usually think that after the person serves their incarceration and post-incarceration term, that they won't be able to get housing. We don't usually think that after a person "does their time," that they should continue to do so for life. But that is what a criminal conviction means for people.

We, and this legislature, know that people with criminal convictions face significant barriers to jobs, housing, social services, education, and professional licensing. If a person can't pursue their education, get certain jobs, find suitable housing, how then will they integrate back into society? What happens when we remove the ability for people to be productive members of society? Allowing these barriers to exist because of a person's criminal conviction decreases public safety. We believe in second chances, so why not work to eliminate these barriers for people? We want to improve public safety, so why not remove the barriers that exist because of a person's criminal conviction?

Thankfully, this legislature did so with the passage of SB 397 in 2021. SB 697 and SB 698 is a continuation of that good work. SB 697 contains technical fixes to the law this legislature passed in 2021. SB 698 facilitates an automatic expungement process which is the path to realizing the benefits of SB 397. Under current law, obtaining an expungement is a petition-based process. That means that a person has to know they eligible for expungement, obtain a lawyer or find an expungement clinic, pay fees and wait for the process to finalize. Automated expungement for non-person crimes (SB 698) will streamline the process for some people because there will be a system in place flag



records that are eligible for expungement and seal them, without the person having to file a petition. SB 698 will also ease the expungement workload of DAs offices.

SB 698 will create a framework for more efficiently and equitably providing record clearance to individuals in Oregon. SB 698 automats expungement only for non-person convictions. It will not expand the category of crimes eligible for expungement. It will not include Domestic Violence and Sexual Assault convictions.

Under both SB 697 and 698, the person is still required to pay restitution.

OCDLA urges this Committee to pass SB 697 and 698. We can work towards keeping our communities if we allow people to be productive members of their communities.
