



TO: Senate Committee on Health Care
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 15, 2023
RE: SUPPORT for SB 520

Chair Patterson, Vice Chair Hayden, and members of the Senate Committee on Health Care:

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 support of SB 520.

Oregon's aging prison population is rising. The cost of caring for these individuals is high and their recidivism rate is very low. Prisons are generally ill-equipped to meet the needs of elderly and chronically ill patients who may require intensive services for these conditions. Our statutes recognize that there are instances when incarceration can be cruel and inhumane and not harmful to society if the adult in custody (AIC) suffers from a severe medical condition including terminal illness or is elderly and permanently incapacitated such that they are unable to move from place to place without the assistance of another person.

Our current compassionate release process is ineffective. The eligibility criteria are too narrow and not available to most AICs in need of compassionate release. The application process is unclear and the review process can take a significant amount of time to complete.

We must pass SB 520 to:

1. Establish an independent Medical Release Advisory Committee (MRAC), within the Board of Parole, comprised of 5–13 licensed medical professionals appointed by the governor to review compassionate medical release applications and make release recommendations solely and objectively from a medical and public health perspective.
2. Create a release navigator position who can be assigned to assist AICs with completed applications, with re-entry planning and ensure continuity of care in the community.
3. If the MRAC recommends release, allow for the appointment of counsel to assist the applicant with the release court and Board of Parole's review.

4. After the MRAC provides a release recommendation, sentencing courts and the Board of Parole can either affirm or deny the recommendation for release.

Prisons are not set up to provide a dignified or peaceful environment for someone in the end stages of their life, although many staff and other adults in custody do their best to make individuals comfortable. These Oregonians would be better off at home with their families than in prison.

We urge this Committee to pass SB 520.
