

Submitter: Rowie Taylor  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure: SB867

April 18, 2023

Dear Representatives Kropf, Pham, and the Senate Judiciary Committee:

On behalf of the Domestic Violence Resource Center I am writing to urge you to support SB 867 and its safety protections for crime victims and survivors.

Defendants absolutely have the right to confront their accusers and SB 867 protects victims from tampering, intimidation, threats, and outright acts of violence in an effort to stop their testimony (unfortunately, much too common in domestic violence cases. "Forfeiture by Wrongdoing," stands for the principle that if a defendant causes a victim not to come to court through any of these unlawful behaviors, they should not benefit from the victim's absence.

Currently, Oregon courts do not follow the "Forfeiture by Wrongdoing", an anomaly among states – the passage of SB 867 will bring us back into national alignment. Currently, Oregon attempts to serve victims who do not appear in court by working to serve them with subpoenas. The state then holds the victim in contempt of court and issues warrants. Victim/survivors often experience the trauma and terror of additional threats against testifying by their abuser, and when faced with the choice between real harm by their abuser or jail time, many times, they simply try to disappear.

The time after a victim has separated from their abuser is the most dangerous. For those abusers who choose to continue to overtly threaten, intimidate and coerce their victims to not appearing in court, the thought of physically forcing them to come to court to testify is extremely fraught with danger for the victim, as we saw in the recent double homicide in Vancouver, WA.

The Oregon and Federal Constitution are clear that if the defendant is the cause of the victim's absence on the day of trial, that the defendant has waived his rights to argue that she is not "unavailable" and keep her previous statements from being presented in court as evidence against him.

I thank you for your consideration in advancing SB867 as this is an extremely important measure. Domestic Violence and victim/survivors in the State of Oregon deserve the safety that the passage of SB867 will provide them and once again, on behalf of the Domestic Violence Resource Center, I strongly urge you to pass SB 867 and adopt "Forfeiture by Wrongdoing".

Thank you...

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