

# OREGON ATTORNEY GENERAL'S SEXUAL ASSAULT TASK FORCE



## HOUSE RULES COMMITTEE SUPPORT HB 4097 WITH -6 AMENDMENTS

FEBRUARY 27, 2024

Dear Chair Fahey, Vice-Chairs Helfrich and Kropf, and members of the House Rules Committee,

My name is Shannon Rose, and I am the executive director at the Oregon Sexual Assault Task Force.

**Today, I am submitting this testimony to urge your support of HB 4097 with the Dash 6 Amendments.**

This bill with the Dash 6 Amendments is a negotiated compromise that we fully support because it improves the criminal justice system in two critical ways:

1. Adds long-overdue protections for survivors of domestic and sexual violence;
2. Removes financial barriers to expungement for otherwise-eligible applicants.

As a statewide nonprofit dedicated to the prevention of and response to sexual violence, we understand that expungement is a complicated subject. The best expungement efforts center the needs of victims and survivors of crime, maintain accountability for those that have caused harm, and provide pathways for both survivors and those that have perpetrated harm to be connected to our communities, absent financial and administrative barriers that inhibit the ability for meaningful restoration, living, accountability, and healing.

We appreciate Representative Tram and the other stakeholders involved in the development of this legislation for all the work to negotiate a bill that can be supported by all sides.

In all circumstances, interaction with the criminal justice system, for victim and offender, is a life-altering experience with significant consequences. There is no more important challenge for Oregon policy makers than to ensure fairness, equity, and safety in the criminal justice process, for survivors as well as for defendants. Any conversation about these issues must be founded on the acknowledgement that our carceral system, and its after-effects, impact Oregon's Black, Indigenous, and communities of color disproportionately, due to longstanding systemic and structural racism. **It is critical to recognize that these biases and inequities have devastating impact on crime survivors and on defendants, and we urge policy makers to prioritize survivors as well as defendants in all reform discussions.**

This bill, with the negotiated amendments, is the kind of balanced approach our justice system needs, taking into account the needs of survivors as well as the financial barriers faced by many applicants for expungement. HB 4097A will improve safety for survivors and their children by increasing the waiting period prior to expungement of records of violation of certain protection orders.



Under current law, these judgments, which are well-documented indicators of danger and lethality, can be expunged after only 1 year waiting period.

**There are sound policy reasons to treat domestic violence, sexual violence, and stalking cases more carefully, due to what we know to be patterns of abuse that escalate and repeat often between multiple victims and over time.** If a judgment of contempt for a protection order violation disappears from the record, this has significant negative safety implications for survivors, who face greater hurdles towards accessing other safety measures such as protection orders, safe parenting time orders, workplace or housing safety accommodations, and pre-trial release determinations.

HB 4097A will increase victim safety by adding accountability for violations of protection orders. HB 4097A will remove financial barriers to justice for low-income defendants, without negatively impacting crime victim restitution or compensation.

Under current law, if a person cannot pay their fines, they are ineligible for expungement even if they have remained crime-free and are otherwise eligible for a set-aside. The inability to set-aside their conviction makes it harder to find employment or housing, making it harder to pay off their fines and fees owing. This downward spiral of debt can be impossible to escape, serves no public or victim interest, and has a disproportionate impact on communities of color and low-income Oregonians. Passage of HB 4097 with the Dash 6 amendments will help reduce poverty and racial disparities caused by the criminal justice system.

**In summary, HB 4097 with the Dash 6 amendments will increase safety for survivors, while also removing procedural and financial barriers to expungement for otherwise-eligible applicants. The bill is one step towards addressing the inequities in our criminal justice system that have devastating impact on crime survivors and on defendants, and we urge your support.**

If you require any additional information or would like to discuss this matter further, please do not hesitate to contact us. We appreciate your attention to this critical issue, and look forward to your support in making a positive impact on the lives of survivors in our state!

Sincerely,

A handwritten signature in black ink that reads "Shannon Rose". The signature is fluid and cursive, with the first name being more prominent.

Shannon Rose  
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