



clackamas women's services

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February 27, 2024

*Re: Support for HB 4097 with the Dash 6 Amendments*

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

On behalf of Clackamas Women's Services (CWS), we are pleased to submit testimony in support of HB 4097 with 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.**

The mission of Clackamas Women's Services (CWS) is to break the isolation of domestic and sexual violence. Incorporated in 1985 as Clackamas County's first domestic violence shelter, CWS is a community-based organization providing comprehensive, culturally responsive, and trauma-informed services to survivors of domestic/dating violence, sexual assault, elder and vulnerable adult abuse, human trafficking, exploitation, and stalking.

We are grateful for all the work Representative Tram and stakeholders did to negotiate a bill that responds to the safety needs of survivors while creating legislation that is supported by all sides.

In our experience, interaction with the criminal justice system, for victims and offenders, is a life-altering experience with significant consequences. There is no more important challenge for Oregon policymakers 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 acknowledgment that our carceral system, and its after-effects, have impacted Oregon's Black, Indigenous, and communities of color disproportionately. It is critical to recognize that these biases and inequities have devastating impacts on crime survivors and defendants, and we urge policymakers 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, considering 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 before 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. Economic empowerment and independence are critical elements for healing, well-being, and stabilization. This in turn reduces poverty and disparities in our community.

**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 a devastating impact on crime survivors and defendants, and we urge your support.**

For the above reasons, we urge you to support an ongoing investment in ODSVS and Survivor Housing Funds by passing HB 4197 with Dash 6 Amendments. Thank you for your consideration and for the opportunity to testify.

Sincerely,



Melissa Erlbaum  
Executive Director  
Clackamas Women's Services