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To: House Committee on Judiciary
From: Christa Obold Eshleman, Supervising Attorney
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Re: **HB 2474**

Dear Chair Kropf, Vice-Chairs Wallan and Chotzen, and Members of the Committee:

Youth, Rights & Justice (YRJ), a non-profit public defense provider, has been dedicated exclusively to juvenile law for 50 years. Each year, we provide holistic, client-centered representation to hundreds of children, youth, and parents in Oregon's juvenile court system.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latino and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ opposes HB 2474 as drafted. YRJ has appreciated the opportunity to work with the proponents of HB 2474 to provide input on our concerns regarding the negative impacts on youth from the proposals in HB 2474. We understand that amendments will be proposed that will likely address some of the concerns we have identified.

HB 2474 would unfairly and disproportionately impact youth. Because children and teens are immersed in social situations with other children and teens, victims of that youthful population are very likely to also be children. HB 2474 targets people who commit offenses against children. However, when the accused person is also a child or teen, HB 2474 would nonsensically increase penalties even when victims are same-age peers of the person who is charged with an offense.

Section 6 would unfairly penalize middle schoolers as well as high schoolers. Section 6 would raise the crime classification of strangulation from a Class A misdemeanor to a Class C felony if the victim is under 18 years old. Because there is currently no minimum age for the accused person, the proposed change would mean that all youth charged with strangulation would be subject to felony penalties, while the same would *not* be true for adults. Under Section 6, a 12-year-old who squeezes the neck of a same-age peer would be subject to a 5-year maximum period of incarceration in a youth correction facility for a Class C felony in a juvenile

delinquency case. On the other hand, if an adult strangles a same-age peer, they would only be liable for a Class A misdemeanor with a maximum period of incarceration of 364 days. Such a distinction is highly disproportionate.

Section 5 would unfairly and disproportionately increase criminalization of high schoolers and other very young adults. Section 5 would modify the definition of Assault in the Third Degree, a Class C Felony, by changing ORS 163.165(1)(h) to apply if the victim is under 18 years old, rather than aged 10 or under. Although the accused person must be at least 18, that provision would apply to 18-year-old high schoolers who could be just days apart in age from the peer that they got into a fight with. Under HB 2474, a few days of age difference between teens could change a shove or punch from a misdemeanor fourth-degree assault to a felony third-degree assault, with very serious direct and collateral consequences for the emerging young adult.

Increasing the crime classifications for juvenile offenses against their peers will not address a concern for protecting children from offenses by older adults. It will only disproportionately penalize youth for the sorts of impulsive behaviors that people are more prone to for the very reason of being young.

Thank you for your consideration of this important issue.