



TESTIMONY IN OPPOSITION TO HB 3097
HOUSE JUDICIARY COMMITTEE
FEBRUARY 26, 2025

Chair Kropf, Vice Chair Wallan, Vice Chair Chotzen, Members of the Committee:

My name is Mae Lee Browning, Legislative Director of the Oregon Criminal Defense Lawyers Association. I testify on behalf of OCDLA in opposition to HB 3097.

Elevating this crime to a crime seriousness of 6 or 8 will put more people in prison. We want the Oregon Legislature to be aware of this when deciding whether or not to pass this bill. **In elevating the punishment, Oregon is deciding to spend more money on the Department of Corrections and probation and parole instead of funding other areas of society. Is it worth it to spend the money on DOC versus spending the money on education or behavioral health services or housing?** Will this change keep communities safer? Are there any alternatives that are cheaper and could lead to real healing and change instead of sending more people to prison? Could the categories be something less than a 6 or 8? Prosecutors already have the tools they need to elevate the punishment of this crime.

Making the crime a person crime if “the defendant’s act results in physical injury to any other person” is problematic because that is incredibly broad. What if, for example, a bystander tripped and broke their collar bone because they were staring at the chase and got distracted? What if an officer peripherally involved in the event had a heart attack? OCDLA does not support adding more crimes to the list of person crimes. The consequence of that is also more people going to prison.

Most problematic is making the “reckless endangering elude” a level 6. At least 70% of elude cases have a reckless endangering charge with them, and even if not, law enforcement will usually articulate some theory about how the elude created a risk of serious physical injury to law enforcement, other drivers, etc. This change would essentially make almost all eludes a level 6, and it would also increase prison usage.

Mae Lee Browning
Legislative Director
Oregon Criminal Defense Lawyers Association¹

¹ 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.