

Dear House Judiciary Committee,

I am writing to express my strong support for HB 2641, which proposes crucial modifications to the admissibility of prior conviction evidence to impeach witnesses.

I proudly support this bill because the use of prior convictions as impeachment, without any limitations, runs counter to principles of due process, fairness, racial equity, and justice. The current version of OEC 609 leads to illogical results and confuses jurors. There are many felony charges that have nothing to do with credibility. When a witness's prior felonies are presented, without any judicial discretion to determine whether they actually reflect on the witness's credibility, it can lead jurors to reach impermissible conclusions. For example, it is not a natural conclusion that someone who has a prior conviction for a felony assault is dishonest. The more logical conclusion is that someone who has a prior conviction for a felony assault is violent. This conclusion is not permissible but because of the lack of logical connection between a prior assault and a character for dishonesty, jurors will naturally use this evidence to support propensity-based reasoning. This is especially troubling in a state where strict rules have been established around propensity evidence, which is inadmissible in most instances. OEC 609 essentially creates an end run around these rules and has huge implications for a person's constitutional right to a fair trial as well as their constitutional right to testify in their own defense.

The disproportionate racial impact is also very troubling. Our criminal system already disproportionately impacts people of color at every stage – from who is more likely to be arrested, charged, and convicted we see people of color disproportionately represented. This is based in racial bias and the current iteration of OEC 609 deepens this racial bias through the largely unfettered use of prior felony convictions as impeachment evidence. Witnesses of color are more likely to have prior criminal convictions due to the over-policing of Black and Latino communities.

HB 2641 does not eliminate the use of prior convictions as impeachment. Rather, it proposes a balancing test, which permits judicial discretion by allowing a judge to evaluate whether the probative value of each prior conviction outweighs its prejudicial effect. This bill represents an important measured approach to addressing this type of evidence, ensuring it is used for the correct purpose and giving judges the necessary discretion to make these crucial decisions.

I urge you to support this important legislation and help Oregon join the majority of states that have adopted the federal rules of evidence, permitting judicial discretion in weighing the effect of such evidence.

Thank you for your service to our community. Please vote yes on HB 2641.

Sincerely,

Tristen Edwards