

HB 3825 Testimony

My name is Adrienne Del Monte and I am an attorney with the Community Law Department at Metropolitan Public Defender. I support HB 3825.

At Community Law I advocate for clients to help them to overcome barriers they face to successfully obtaining housing and employment. The majority of my clients are homeless and seeking stability, however, things like court fines and fees prevent them from getting approved for employment and housing. Many of my clients have old criminal records that are the types of crimes that are eligible for expungement under Oregon's expungement law. These criminal records perpetuate the cycle of homelessness and poverty for my clients. Because of their criminal history, they cannot pass a background check for a job or, if they do find a job, they still cannot get approved to rent an apartment because landlords in Oregon can deny them based on criminal history. The single largest reason my clients are unable to expunge something from their record is because of outstanding court fines and fees.

This cycle that my clients are trapped in is devastating. Consider this example. My client, Ms. Smith whose name and some details I have changed for the purposes of this testimony, is 42 years old and a single mother of two children. When Ms. Smith was 13 years old, she was introduced to methamphetamine, and she continued using drugs throughout her adolescence. From the age of 16 through 24, Ms. Smith struggled heavily with her substance abuse disorder and was convicted of a few crimes that appear badly on a background check. When she was 25 years old Ms. Smith started out-patient treatment and she has now been substance free for 17 years. She is a parent to an 8 and 12 year old.

When Ms. Smith was using, she was so entrenched in her substance abuse that she could not hold down a job. At the time of her convictions, she was ordered to pay thousands in court fines and fees across her various cases and she had no income to make payments. Her lack of income was not considered when imposing these fines. The fines and fees grew larger year after year because of collections costs and assessments.

After Ms. Smith got clean, she found work wherever she could. With convictions on her record, she has always been very limited in the types of jobs she can find. Ms. Smith has only ever held minimum wage jobs.

Ms. Smith is a dedicated employee with ambition and drive. Even still, she has been denied multiple promotions because of her criminal history. Her convictions are all eligible to be expunged but because she owes these fines, she is prevented from expunging them. If they were expunged, she would have access to much higher paying work to support herself and her two children. Ms. Smith knows this, so she puts what limited discretionary income she

can towards her fines and fees. Because she makes so little, Ms. Smith is only able to pay \$10 per month on her cases. At this rate, she will be waiting another 10 years before her cases are paid off. If Ms. Smith had the money today, she would pay her fines and fees immediately so she could expunge these cases and move completely forward with her life. Sadly, Ms. Smith, like all my clients, simply does not have the money to pay off her old debt.

Under Oregon's current law, Ms. Smith must wait 20 years from the date of the fines being imposed for them to expire. Despite having 17 years of sobriety, Ms. Smith is still hindered by her past substance abuse and criminal record—consequences that linger long after she has turned her life around, simply because she is poor.

Reducing the amount of time fines and fees remain outstanding is best for Oregon overall. If Ms. Smith were free from this debt and eligible to expunge her criminal record, she could access higher paying employment which has ripple effects well beyond just herself. An act like this lifts individuals, families, and communities at large. Ms. Smith is one of dozens of clients I have represented who faces significant barriers because of court debt that they are too poor to pay.

Justice is not served by holding Oregonians back for decades on end. If we believe that individuals can be rehabilitated, we cannot simultaneously expect them to have a thriving life while trapped under debt they will never be able to pay because of the cycle of poverty they are stuck in.

I support HB 3825 because reducing the length of time before court fines and fees expires is best for Oregon overall.