



**TESTIMONY ON HB 3825**  
**HOUSE COMMITTEE ON JUDICIARY**  
**MARCH 12, 2025**

Chair Kropf, Co-Chair Wallan, Co-Chair Chotzen, and Members of the Committee:

My name is Mae Lee Browning, Legislative Director of the Oregon Criminal Defense Lawyers Association. We strongly urge your support for HB 3825.

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 the 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.

*When we know better, we do better.*

Knowledge of the criminal legal system and its consequences and collateral consequences is developing, evolving, and growing in our society. The Legislature has learned about the impacts criminal convictions have on jobs, housing, education, and social services. This legislative body made significant positive improvements to Oregon's expungement scheme in recent years. This legislative body has learned a lot and heard a lot of advocacy in recent years about the impact of fines and fees, and has made changes to driver license suspensions based on nonpayment of fines and fees, fines and fees in juvenile delinquency cases, supervision fees, and fines and fees related to the newly created PCS U-misdemeanor.

There is still more that Oregon can do relating to fines and fees, and HB 3825 is another step towards doing more. Money judgments expire 20 years after entry of judgment in a criminal case. HB 3825 addresses this issue by shortening that time period to 10 years for felonies and 5 years for misdemeanors. It is a relatively simple change relating to fines and fees that will have a big impact on Oregonians. There are still many mandatory fines and fees imposed at the conclusion of a case and for other criminal legal processes that I hope we can address in future sessions.

I want to remind Committee members that 85% to 90%<sup>1</sup> of Oregonians charged with crimes are financially eligible for a court appointed attorney.

In 2016, in response to a growing sense of public distrust in our justice system, the American Bar Association (ABA) created the Task Force on Building Public Trust in the

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<sup>1</sup> <https://www.ojrc.info/public-defense>

American Justice System. In 2017, a workgroup was created to carry out the work of this Task Force. The workgroup focused on “one particular issue causing distrust of the justice system – the imposition and enforcement of excessive fines and fees.”<sup>2</sup> The workgroup “chose to focus first on this topic because it adversely impacts millions of Americans and has contributed significantly to negative public perceptions of the justice system.”<sup>3</sup> The workgroup developed Ten Guidelines on Court Fines and Fees (the “Guidelines”), which has been adopted by the ABA in 2018.

The Guidelines recommend that “when an individual is unable to pay, courts should not impose fees, including fees for counsel, diversion programs, probation, payment plans, community service, or any other alternative to the payment of money. An individual’s ability to pay should be considered at each stage of proceedings, including at the time the fees are imposed.”<sup>4</sup> “The consideration of a person’s ability to pay at each stage of proceedings is critical to avoiding what are effectively “poverty penalties,” e.g., late fees, payment plan fees, and interest imposed when individuals are unable to pay fines and fees.”<sup>5</sup>

“An important objective of the Guidelines is to eliminate any and all financial incentives in the criminal justice system to impose fines or fees. The justice system serves the entire public and should be entirely and sufficiently funded by general government revenue.”<sup>6</sup>

“Requiring users to pay for judicial services is, in many ways, an anathema to public access to the courts.”<sup>7</sup> All components of the justice system, including courts, prosecutors, public defenders, pretrial services, and probation, should be sufficiently funded from public revenue sources and not reliant on fees, costs, surcharges, or assessments levied against criminal defendants or people sanctioned for civil infractions.”<sup>8</sup>

Mae Lee Browning  
*Legislative Director*, Oregon Criminal Defense Lawyers Association  
MLBrowning@ocdla.org

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<sup>2</sup> Resolution and Report to the ABA House of Delegates from the Working Group on Building Public Trust in the American Justice System proposing the adoption of 10 Guidelines on Court Fines and Fees - August, 2018, available at

[https://www.americanbar.org/groups/leadership/office\\_of\\_the\\_president/publictrust/fines-and-fees/](https://www.americanbar.org/groups/leadership/office_of_the_president/publictrust/fines-and-fees/)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Geoffrey McGovern & Michael D. Greenberg, Who Pays for Justice? Perspectives on State Court System Financing and Governance, RAND Corporation Institute for Civil Justice (2014) at 10-11, available at [https://www.rand.org/pubs/research\\_reports/RR486.html](https://www.rand.org/pubs/research_reports/RR486.html)

<sup>8</sup> [https://www.americanbar.org/groups/leadership/office\\_of\\_the\\_president/publictrust/fines-and-fees/](https://www.americanbar.org/groups/leadership/office_of_the_president/publictrust/fines-and-fees/)