

Chair Prozanski, Vice Chair Thatcher, Members of the Committee,

My name is Michael Hajarizadeh. I am a staff attorney at the Public Defender Services of Lane County and the Veterans Treatment Court defense attorney since 2018.

I am here in support of SB 1169.

I'll focus my testimony on certain specialty courts but do want to note there are first-time offender courts and this statute can be used creatively, in a variety of ways, by courts.

Specialty courts are considered problem-solving courts. They are in short, specialized dockets that address underlying issues such as mental health or substance abuse that contribute to criminal behavior. The specialty court team is often made up of a multidisciplinary team that includes parole and probation and treatment.

The programs are often for those who are viewed as high-risk and high need. What that means is this is a population that often come in with criminal history are potentially looking at prison or have failed in prior attempts at probation. Folx in other words the attorney who is prosecuting would be unlikely to view them appropriate for a conditional discharge. Specialty court isn't easy though. It offers many more touchpoints with the court, treatment and parole and probation.

A client in his 60s who was an Army Veteran and hadn't had a conviction since 1999. Never had a drug related conviction. He had a job, housing, and was an involved grandfather. He was caught with an amount of methamphetamine just over the felony threshold when he was being admitted into the hospital. He was temporarily hooked on meth via a bad relationship. He was eligible for a specialty court. The prosecutor outright refused conditional discharge because... "The statute gives me discretion and I would never do that for a felony."

Client would have participated in in a specialty court on a conditional discharge, instead client is now on a downward departure on supervised probation alone.

In an open sentencing before the court where a defense attorney would be requesting a downward departure from a prison sentence to probation similar criteria to what is in SB1169 is presented to the court on why that is an appropriate sentence. SB1169 arguably allows the court the same discretion, and provides the state and defense the same opportunities to present why their proposed resolution is appropriate.

A sentence of discharge was mentioned during oral testimony. I feel the need to clarify that a sentence of discharge still results in a conviction, but without probation or additional jail from what was served pre-plea.

Finally, I have included a petition from Lane County for a pre-plea resolution into our specialty court where the participants are in the same program as those who enter with a conviction. The other attachment is the Best Practice manual from the definitive agency on specialty courts in the United States. The manual is currently undergoing updating, but I expect the attached version to not change that pre-plea resolutions are completely within the best practice standards of specialty courts.

Respectfully,

Michael Hajarizadeh