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Submitter: Dr. Barry Jerkins, Branch President  
On Behalf Of: Linn Benton NAACP  
Committee: House Committee On Judiciary  
Topic: Endorsement of HB 2641

Since 1909, the NAACP has worked to ensure political, educational, social, and economic equality for all people while eliminating race-based discrimination. Our Linn Benton Branch, established in 1971, advances this mission through engagement that confronts racial injustice in our community and the broader state of Oregon.

Our Branch urges the Oregon House to approve HB 2641 that changes how prior convictions may be used, modifies when a prior conviction is admissible to impeach the character of a witness and limits prior convictions that may be used to calculate the criminal history of a defendant for the purposes of sentencing.

Current Oregon Evidence Code ("OEC") 609 reflects policies that historically barred witnesses from testifying based on racism, sexism, classism, and other forms of bigotry. Rules allowing for impeachment by prior convictions replicate witness competency laws by systematically silencing witnesses with criminal records. These witnesses are disproportionately people of color, due to racial bias commonly occurring at each stage of policing and criminal proceedings.

Oregon should join the majority of states by adopting the federal rule of evidence which allows a court to weigh the evidence and keep it out if it's unfairly prejudicial. Prior convictions have no established predictive connection to a witness's truthfulness. Their use prejudices juries and consequently lowers the burden of proof in a case. Current Oregon law diminishes witness and victim testimony and silences defendants from testifying in their own defense. Prior convictions should not impeach someone's credibility, unless it's a crime of dishonesty. Unfortunately, risk of unfair prejudice is extreme. Research shows that jurors tend to rely on prior convictions for the improper purpose of assessing a criminal defendant's culpability, rather than their credibility, thereby lowering the prosecution's burden of proof.

Please support HB 2641. The Linn Benton NAACP applauds legislation intended to reduce and block the influence of racial bias on judicial proceedings.

Respectfully,  
Dr. Barry Jerkins  
Branch President, Linn Benton NAACP