

NO on SB 178

Chair Prozanski, Vice Chair Thatcher, Members of the Senate Judiciary Committee:

I urge you to vote NO on SB 178.

I have been a criminal defense lawyer in Oregon for 44 years, 42 of those years in Baker City. Throughout my career, I have mostly handled private cases. When a person is accused of a crime, the prosecutor, under our state and federal constitutions and by statute, has a legal obligation to provide police reports, lab reports, recordings of witness statements-anything that they intend to use in court against the accused. It is fundamentally wrong to charge a citizen with a crime and then send that citizen a bill for what the prosecutor is required by law to send to that citizen's lawyer. There is no other state in the US that condones such a practice. SB 178 is an effort to codify a practice that has gone on in Oregon for decades.

A defendant also has an obligation to provide the prosecution with copies of investigative reports, expert witness reports, etc that they intend to use in court. In the last case I tried to a jury, I paid the prosecutor for the discovery I received. I also sent that prosecutor a bill for the discovery I sent to him. He never paid my bill.

Years ago, there was a drug bust in Malheur County that involved the execution of search warrants in approximately 16 residents. The DA sent each defendant's lawyer the discovery for each of the 16 cases. My memory is the bill I received from that DA exceeded \$2,200, Though that bill was challenged in court, who found that the bill was "clearly unreasonable" the DA then still sent me a bill that exceeded \$1,000. So not only did I have to find the proverbial "needle in a haystack" to find the discovery in that sea of paperwork that actually pertained to my client, my client had to pay an extra \$1,000+ for the privilege of having me comb through information that the DA was legally required to provide.

SB 178 is fundamentally wrong.

Thank you for hearing me out on this issue. I strongly urge you to vote "NO" on SB 178.

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