



**TESTIMONY ON HB 2614
SENATE COMMITTEE ON JUDICIARY
MAY 15, 2025**

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

My name is Mae Lee Browning, testifying on behalf of the Oregon Criminal Defense Lawyers Association, on HB 2614.

OCDLA is still very concerned about what HB 2614 A communicates to the current workforce and to those who wish to enter public defense. Specifically, the removal of certain provisions and the practical effect it will have on recruitment and retention. The removal of “national and regional best practices” is a signal of changing priorities for public defense. Best practices support effective assistance of counsel, better case outcomes and less system expense for case “do overs.” We are also concerned that the removal of “compensation that is commensurate with the character of service performed” will disincentivize people from joining public defense.

OCDLA has always supported a diversity in service delivery models. We fought hard against the elimination consortia in SB 337. We want to see the sunset removed completely. We are grateful that the sunset has been extended and that there is a path for elimination of that sunset.

Consortia attorneys are the majority of public defense providers in the state. And to reiterate some comments made previously, we are grateful to our consortia and law firm providers for taking as many cases as they ethically can.

We should also be grateful to our nonprofit providers for training the next generation of public defenders. It takes significant resources to train new public defenders and we are grateful to our nonprofit providers for taking as many cases as they ethically can.

We look forward to working with the legislature to address the needs of the state, public defense and the accused. We hope that the legislature will take a holistic approach to the unrepresented crisis and examine what legislation it passes and what legislation it does not pass. Every session, there are bills that create new crimes, expand existing crimes, and increase punishments. Escalating the criminal code has impacts on county jails, prisons, prosecutors, courts, and public defense. Policy decisions must reflect the impact on these systems. In the 2025 legislative session, Oregon had an opportunity to ease the strain on the criminal legal and public safety system and help address the backlog of criminal cases by implementing smart, fair, and reasonable legislation that would have allowed judicial discretion to utilize offramps to the criminal legal system and create efficiency in current criminal procedure. The Oregon legislature chose not to.

This session, Oregon chose not to pass the following bills:

- HB 2469 would have given judges discretion to treat certain misdemeanors as violations. Misdemeanors make up the majority of unrepresented cases and misdemeanor filings are on the rise.
- SB 177 would have improved discovery procedures to avoid delay in moving cases forward and avoid wrongful conviction. If our bill was law, it could have avoided the situation in Benton County¹ where an attempted murder case was dismissed after three days of trial when previously undisclosed video was disclosed for the first time. The body camera footage showed the alleged victim contradicting his claim of self-defense and it wasn't released for two years.
- SB 1169 would have allowed more people into specialty courts, thus, connecting Oregonians to necessary treatment in order to break the cycle of addiction and mental illness and crime.
- HB 2641 would have aligned one rule in Oregon's evidence code with the federal rule which all federal courts and 36 states follow.

Mae Lee Browning
Legislative Director
Oregon Criminal Defense Lawyers Association²

¹ "Attempted murder trial in Benton County abruptly dismissed after three days amid undisclosed footage," <https://www.opb.org/article/2025/03/27/benton-county-attempted-murder-trial-dismissed-undisclosed-footage/> (accessed May 15, 2025).

² 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.