

To the members of the House Judiciary Committee,

I have been active for over 25 years in community groups promoting smart criminal justice reforms, first in Connecticut and now in Oregon. I strongly oppose HB 4041 because of certain parts of this omnibus bill. There were very few testimonies submitted, I believe because HB 4041 and its amendment are difficult to understand.

Apparently 20 incarcerated individuals were legally released last year after determination that they had fulfilled their sentences. Those sentence lengths may have been incorrectly calculated by mistake. Whatever the reason, it is unacceptable that the released individuals should suffer from such an error. And the fact that they were re-arrested and re-imprisoned without notice, explanation, or an opportunity to contest is further proof to me of the inappropriateness. Since 6 have been released through Habeas procedures, the others experiencing the same unfairness should immediately be released as well.

Legitimate goals for incarceration may include punishment, discouraging future crimes, rehabilitation, and community safety. Although it is necessary to assign a sentence length to every convicted defendant, the guidelines for doing so are in fact arbitrary, because we can't know exactly how much time in prison for any particular individual would actually achieve whatever goal is desired. Of course, any time served pre-trial must always be considered. If an individual is released early, due to a DOC calculation error, it is of course very important to the released individual, but may have no negative bearing on community safety or any other goal. Re-arrest and re-incarceration in such cases is simply cruel and pointless.

I am also very concerned about fairness for all individuals un-Constitutionally convicted by a non-unanimous jury before Oregon was forced to require unanimous judgments like all the other states. No one should still be held in prison because they didn't file for release within a certain time period or didn't have adequate assistance in proving that the jury was not unanimous.

There are many excellent criminal justice bills in this Short Session, to protect Oregonians' safety and rights. HB 4041 is not one of them, because some of the parts need revision or elimination. Judiciary members should kill this bill in this rushed Short Session and carefully re-consider all the parts of it for the 2027 session.