



Oregon Crime Victims Law Center
7412 S.W. Beaverton-Hillsdale Hwy, Suite 209
Portland, OR 97225
(503) 208-8160 • Fax (866) 838-4142

Re: SB 1515

Dear Chair Bowman, Vice-Chair Elmer, Vice-Chair Pham, and members of the Committee,

On behalf of the Oregon Crime Victims Law Center (OCVLC) and the National Crime Victim Law Institute (NCVLI), I am submitting this testimony regarding Senate Bill 1515, which modifies provisions relating to petitions for compensation for wrongful conviction.

OCVLC is a nonprofit organization that provides free legal representation and advocacy to crime victims throughout the criminal justice process, including in post-conviction proceedings. NCVLI is a nonprofit educational and advocacy organization located at Lewis and Clark Law School in Portland, Oregon. NCVLI works nationally to promote victims' rights and victims' voices in justice systems through crime victim-centered legal advocacy, education, and resource sharing.

Oregon's victims have constitutional and statutory rights in the criminal justice system, including the right to justice, to a meaningful role in the system, to be treated with dignity and respect, and to be protected throughout the criminal justice process. We regularly see the impact that crime has on victims, with long-lasting trauma that affects nearly every aspect of a victim's life.

As currently drafted SB 1515 requires that the petitioner obtain a court order before they may compel a victim to testify by deposition, at trial, or otherwise, and that in motioning for this order the petitioner must demonstrate that the victim's testimony is "relevant to the issue raised in the petition." Providing testimony, whether at trial, in a deposition, or otherwise, is traumatic in and of itself and implies recalling and evoking a crime. Such act tends to be a re-victimization. The petitioner should be required to show that the victim's testimony is both relevant and material, not merely relevant. Petitions

under SB 1515 are likely to be made years after the conclusion of the underlying case at the circuit court level. Pulling a victim back into this process will be traumatic and disruptive.

It is unquestionable that the victim's rights and interests are at stake when such a motion is being considered; notice and a copy of any such motion and resulting order should be provided to the victim, and the victim should be afforded the opportunity to be heard on the motion. At the heart of procedural due process is the idea that parties whose rights are to be affected are entitled to be heard and to enjoy that right, they must first be notified. Participating in the criminal justice system and attempting to achieve a measure of justice is a critical part of addressing that trauma for many victims, but to accord legal victims due dignity and respect within this process, they should not be compelled to recommence participation without notice, an opportunity to be heard, and a finding that their testimony is both relevant and material.

Thank you for your consideration.

Sincerely,

Emily La Brecque

Emily La Brecque
Executive Director, OCVLC

Margaret A. Garvin

Meg Garvin
Executive Director, NCVLI