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March 21, 2013

**Written Testimony of Rob Bovett before the
Oregon House Judiciary Committee
in Opposition to House Bill 2544**

Chair Barker, Vice-Chairs Garrett and Krieger, and Representatives Barton, Cameron, Hicks, Olson, Tomei, and Williamson,

Thank you for the opportunity to testify regarding House Bill 2544. The Oregon District Attorneys Association (ODAA) is strongly opposed to the bill. In short, it imposes another unfunded duty upon your District Attorneys, a duty which is not well defined, and a duty that is not appropriate for District Attorneys in any event.

HB 2544 would permit the expunction of a traffic violation if the “prosecuting attorney having jurisdiction over the offense determines that there was an irregularity in the enforcement of the offense or in the judicial proceeding in which the person was convicted.” Three quick points:

1. Work load: District Attorneys around the state are already not prosecuting crimes due to lack of resources, so doing the work described in HB 2544 is not going to happen unless something else is put aside.

2. Ambiguity and consistency: What is an “irregularity in the enforcement of the offense or in the judicial proceeding?” In order for prosecutors to be consistent, some definition of “irregularity” would need to be developed, causing additional work and likely court challenges.

3. Inappropriate function: HB 2544 would essentially impose a judicial function on prosecutors, making them investigate and determine whether there is an “irregularity” in the enforcement of a traffic offense, or in a judicial proceeding. That is not an appropriate role for your District Attorneys.

For the above reasons, the Oregon District Attorneys Association (ODAA) is strongly opposed to House Bill 2544.