

**Testimony of Mark John Holady  
Before the Senate Judiciary Committee  
Senate Bill 125**

April 3, 2013

I live in Clackamas County and practice law in Oregon and Washington. I serve in the Army Reserve Judge Advocate General Corps. Since September, I have been stationed at Camp Withycombe in Clackamas. I offer these comments in support of SB 125.

In February, I spoke with a staff member in the Clackamas County Community Corrections office. At the new year, the probation office began using a new intake form asking whether the convict on probation was a veteran. Since the new year, roughly 10 percent of all persons reporting for probation are in fact veterans. These veterans range from an older Vietnam War veteran to a woman in her late thirties to a fellow who completed two tours in Iraq. Ten percent of all offenders are veterans while the ratio of military service-members in the general population is less than one in one-hundred. Many of these veterans are suffering from post-traumatic stress syndrome symptoms.

Besides the 10X multiplier, there are two other points to note. First, these people are convicted before anyone asks whether they are veterans. The system is reactive, not proactive. Second, the people on probation are discharged service-members. Active duty soldiers and sailors do not receive probation services at Clackamas County. The sheriff's office defers to the service-member's military commander. So active duty military members never see a form alerting them to possible rights they have because of their military status.

The Sheriff's office does have a policy of asking vehicle operators that deputies stop whether the operators are veterans. Yet that is more of a safety measure for the deputies on the scene. No one wants a post-traumatic stress syndrome trigger to escalate a routine traffic stop into a tragedy.

I realize that there is a cost to reprinting forms to carry the advisory language. I acknowledge that unfunded federal mandates drain the state's coffers. I have three responses: First, we need to make sure that the service-members are aware of their rights. Service, whether in a military uniform or on the floors of the Capitol, involves sacrifice. Second, the cost to modify existing supplies will be small. Stationery can be modified using a stamp or a label. New stationery can incorporate the language and the forms printed without a discernible increased expense. Third, what is the cost of printing compared with the cost of rehearing a case once an active duty service-member returns and obtains his guaranteed hearing? Mulligans may be free on the golf course, but not in the state courtrooms. Judicial resources are already limited. Eighteen-hundred men and women from the 141st Brigade Combat Team are set to deploy in the summer of 2014. How many "do-over" trials do you want our judges to hear?

I urge you to strongly consider passing SB 125.