



**Testimony of Greg Hazarabedian, ACLU Legislative Committee
In Support of HB 3194
Joint Committee on Public Safety
April 5, 2013**

Co-Chairs Garrett, Olson, Prozanski and Winters, and Members of the Committee:

My name is Greg Hazarabedian and I have been a criminal defense lawyer for over 20 years, the past 8.5 as Executive Director of the Public Defenders Office in Lane County. I am also privileged to serve on the Governor's Corrections Forecast Advisory Committee and the Oregon Criminal Justice Commission.

Today I am here on behalf of the ACLU of Oregon, where I serve on the ACLU Legislative Committee. I appreciate the opportunity to testify before you today in support of HB 3194.

People who commit a crime should be held accountable for their actions. And once they have been, they must have the tools to move forward, better their lives, and make a positive contribution to society.

The ACLU believes that public defenders have an important and unique role to play in this dynamic. The role of the public defender is not just to defend the Constitutional and statutory rights of the accused or to provide the Constitutional requirement of the right to counsel. We do that, and we also gained great knowledge of the gaps in the resources needed by our clients. No one is in favor of crime in our communities and we as public defenders are no exception – we are invested in the success of our clients both for their own lives and that of their families as well as for the safety of the communities we live in. We are taxpayers with families just like you.

Our work doesn't just involve defending rights or beating a charge, but uncovering the histories of our clients - their addiction to drugs or struggles with mental illness. We help develop plans for their success that involve the resources they need to succeed whether they are sentenced to probation or prison, or are re-entering society after prison. We work with others in the system to make sure resources are directed to the right people. Prison is our most expensive and in many cases our least effective public safety tool, and our work shows us there are many who could best be held accountable in other ways which would do more to increase public safety.

As a public defender, I have seen our local public safety infrastructure dwindle. Cuts to community corrections, addiction and mental health treatment have not only made our job harder, it has made our clients' pathway to success more difficult.

It is in this context that I am before you today to speak in support of HB 3194. Our public safety system is in need of much greater reforms than are proposed in this bill. But these modest improvements are a good first step.

Adjustments to mandatory minimum sentences ensure the availability of just and fiscally responsible sentencing options. Guidelines sentencing allows judges to account for criminal history and repeat offender status at sentencing more effectively than one-size-fits-all mandatory minimum sentencing, ensuring that serious criminal conduct is more heavily punished than less serious conduct. Giving judges greater discretion allows them to be sensitive to the circumstances of the crime and the defendant's relevant criminal history and so protect public safety without unnecessarily burdening the prison system. Returning sentencing authority and discretion to judges is especially appropriate here, given the wide range of conduct encompassed by Measure 11 and the other mandatory minimum sentencing schemes currently in Oregon law.

The public safety package proposed in HB 3194 is a good first step to moving Oregon towards a system that can re-invest scarce resources in the success of my clients and the safety of our communities.

I urge your support and, unless you have any questions, I thank you for your time.