

**Testimony of Mark John Holady
Before the Senate Judiciary Committee
Senate Bill 124**

March 6, 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 124.

Last month I spoke with someone 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.

SB 124 does not address the guilt or innocence of the offender. Instead, SB 124 takes into consideration a convicted defendant's status as a military service-member in determining aggravation or mitigation of sentence. If military training or the effects of war, e.g., PTSD, triggers a criminal act, a defendant's mens rea ought to be considered during the sentencing phase. Moreover, it is a very real possibility that such a trigger will occur. A contact of mine who works at the Clackamas County probation office used to work in the county's mental-health office. The contact told me that she saw increasing numbers of people seeking treatment for PTSD over the last 10 years.

SB 124 will not resolve all issues. Cooperation between community corrections, the federal Veterans Department, and county veterans services in the area of mental-health counseling is necessary. Yet, if the stated goal of Oregon's criminal justice system is to reduce future criminal conduct, if our system is rehabilitative, not penal, then all steps the system takes toward that goal ought to be implemented. SB 124 furthers the goal of reducing criminal conduct. I urge your affirmative support of SB 124.