

TESTIMONY FOR HB2698
HOUSE JUDICIARY
March 9, 2017

Mr. Chairman and members of the Judiciary Committee:

My name is David Breames and HB2698 is before you today at my request. I made this request because my whole life changed in 2011.

Prior to this year I was like most other men in their late 20's. I was married and had been blessed with two beautiful children. The worst thing I had ever done was a variety of traffic infractions over the years and some run-ins with the police as a teenager, none of which were serious.

I, like most people never imagined myself being arrested for a crime, let alone being put on trial and facing jail sentences that could have taken me away from my family for a significant amount of time, traumatized my children and my wife and virtually ended my career. But this is exactly what did happen to me.

I am not going to get into what I could have done differently or whether I am guilty or innocent of the charges, because the fact remains I was convicted and in the eyes of the law that means I am guilty. The reason I am before you today is to show you that under the current law there is no room to improve oneself and leave the past behind. There is no incentive to try to make a better future and start over.

This occurs because in the effort to toughen the stance on crime and get longer sentences the police and the prosecutors do what is called stacking of charges, we have all heard of it and maybe in the most heinous of crimes even thought someone deserved the 3 or 4 life sentences they received for one crime. An example of this might be a bar fight between two people and one breaks a bottle and threatens the other one with it. They can now be charged with assault, menacing, and assault with a dangerous weapon, and unlawful use of a weapon. This is 4 crimes for one bar fight. I am not here to ask you to lessen sentences or to take it easy on repeat offenders. I am here to ask you to give a person who has not been in trouble before or after a chance to improve their lives and the lives of their families after a single mistake, misstep, moment of stupidity, misjudgment or whatever label you wish to put on it when a single incident results in multiple charges.

I am not asking to change the standards by which an expungement can be granted because I too feel this privilege should be earned so it is not taken lightly and the persons it is granted to

realize it is a gift and a second chance. I am not asking to change the disqualifying crimes. I am simply asking to level the playing field. If a person who has never been in trouble with the law before or after the time that leads up to their conviction, they have stayed out of trouble for the three years after their conviction and they are of good character except for this one instance even if that instance resulted in being charged with multiple crimes they should qualify for expungement and a second chance at a life without a criminal record, so they can rent or buy homes and get jobs without this one instance haunting them the rest of their lives.

This bill does not stop or forbid the police and/or prosecutor from stacking crimes for tougher sentencing in cases where someone has either committed a heinous crime or someone who does not want to learn their lesson. It is not a get out of jail free card for anyone. The law already allows a person who has not been in trouble within the 3 years following their first conviction to be able to have it expunged from their record. The problem is currently if you have more than one conviction even if it is for the same instance you have to wait 10 years for that expungement.

I am going to conclude by telling you about me since my conviction. My wife and I are still married and are going on our 10th anniversary together, We have purchased a home and I own my own business which currently not only helps support us but enables about a dozen other people to have full time jobs to support their families. I have started and finished my Associates Degree in Business at Mt. Hood Community College. I am proud of what I have accomplished while trying earn my reputation back and payback the faith my family and friends had in me after this life changing event. The problem in these accomplishments will continue to be shrouded by the dark cloud of my convictions for another 5 years unless this bill is passed which is really not fair because this was one day, one instance, and one actual crime.

Thank you,

David Breames