



Legislative Testimony

Oregon Criminal Defense Lawyers Association

April 5, 2017

The Honorable Representative Jeff Barker, Chair
The Honorable Representative Jennifer Williamson, Vice-Chair
The Honorable Representative Andy Olson, Vice-Chair
House Committee on Judiciary, Members

RE: HB 3380: Testimony in Support

Dear Chair Barker, Vice-Chairs Williamson and Olson, and Members of the Committee:

The Oregon Criminal Defense Lawyers Association is an association of attorneys who represent juveniles and adults in delinquency, dependency, criminal prosecutions, appeals, civil commitment and post-conviction relief proceedings throughout the state of Oregon. Thank you for the opportunity to submit the following comments in support of HB 3380.

HB 3380 aims to fine tune the existing Family Sentencing Alternative Pilot Program (FSAP) by broadening the eligibility factors, removing certain restrictions, and establishing eligibility into the program as a “mitigating” factor¹. Framing eligibility into the program as a “mitigating” factor will help ensure that FSAP is used for defendants who are eligible and should receive a downward dispositional departure to probation. The sentencing court will be able to consider, among other things, a defendant’s eligibility into the program at sentencing as support for an appropriate sentence.

OCDLA’s members see firsthand how incarceration impacts families in criminal, juvenile, and dependency court as our members are tasked with representing parents, children, and juveniles who intersect with the system. As we know, involvement in the criminal justice system is generational, and the FSAP offers a unique program to help parents and children escape the cycle.

OCDLA supports HB 3380 as it will allow more families in our communities to benefit from the FSA and will result in better outcomes. We urge your “aye” vote.

For questions or comments contact Mary A. Sell, OSB # 111401
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¹ Under Oregon law, “aggravating factors” and “mitigating factors” when determining how to sentence a defendant (See [ORS 137.080](#) and [ORS 137.090](#)). The court must find “substantial and compelling” reasons to sentence a defendant to a downward departure pursuant to [Criminal Justice Commission’s Oregon Administrative Rules \(OAR’s\) on Departures](#). This bill will make eligibility into the program as a “mitigating” factor which the court will consider when determining the appropriate sentence.