



Legislative Testimony

Oregon Criminal Defense Lawyers Association

February 20, 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 2141: Testimony in opposition

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 opposition to HB 2141.

HB 2141 proposes to mandate a mandatory six-month suspension of a person's driving privileges upon conviction of four crimes related to sexual solicitation, including Commercial sexual solicitation under ORS 167.008, Promoting prostitution under ORS 167.012, Compelling prostitution under ORS 167.017, and Purchasing sex with a minor under ORS 163.413. None of these crimes allege a driving element nor is there a driving nexus required in the proposed statute. Rather, this proposed legislation simply adds a driver's license suspension as an additional penalty to be incurred by the defendant convicted of these crimes without any connection to road safety. Additionally, there is little to any deterrence value to the crimes in the bill, as one would not expect to lose driving privileges in these types of cases.

In addition, loss of driving privileges has been found to be a significant barrier to people convicted of crimes. In 2015, Senate Bill 969 created The Joint Interim Task Force on Reentry, Employment and Housing. The Senate Bill's mandate was to have the Task Force study and recommend actions that "state and local governments might reasonably undertake to assist persons with criminal convictions, including actions to improve the reentry experience, expand employment opportunities, identify and provide housing, and create certification processes."¹

The Task Force made a number of findings in relation to barriers to successful re-entry, but two of them were directly related to a person's ability to drive: "The inability to obtain or reinstate a

¹ Joint Interim Task Force on Reentry, *Employment and Housing Executive Summary and Report*, Page 1, (January 19, 2016).

driver's license is one of the single greatest barriers to obtain/maintain stable employment" and "Lack of reliable transportation can be a barrier to stable employment..."²

The Task Force further outlined that they "reviewed a number of resources, obtained suspension data from Oregon's Department of Transportation, and heard from the State of Washington about its reformed license suspension practices, precluding a number of suspensions under state law that were not related to moving violations."³

Notably, the Chair and members of the Task Force have introduced SB 691 meant to *eliminate* certain driving license suspensions including for failing to appear at court.

While OCDLA agrees that license suspensions can be appropriate at times, we urge a "no vote" to HB 2141. The license suspensions resulting from this bill are purely penal in nature and are slated to disproportionately effect people already receiving a criminal conviction and other sanctions.

We urge your "nay" vote.

For questions or comments contact Mary A. Sell, OSB # 111401
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² Id. at 2.

³ Id. at 7.