



February 12, 2019

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Senate Committee on Judiciary
Oregon State Capitol
900 Court Street NE, RM 331
Salem, OR 97301

Re: Senate Bill 388

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

The Oregon Crime Victims Law Center ("OCVLC") is a nonprofit legal clinic whose five staff attorneys and affiliated *pro bono* counsel provide free legal representation to crime victims to help them assert their rights in criminal cases and to advocate for them in related matters.

OCVLC's Legislative Priorities Committee has reviewed Senate Bill 388, and while we support the rehabilitative principles behind expungement and pardon, we are concerned that as presently drafted, SB 388 would permit the expungement of the most serious felonies without prior notice to the victim. Neither the pardon statutes themselves, ORS 144.649 – 144.670, nor the provisions of the Oregon Constitution vesting the power to pardon in the Governor, Or. Const. Art. V, § 14, requires notice to the victim. While prosecutors generally exercise the discretion given them by ORS 144.650(3)(a) to provide statements by the victim or the victim's immediate family to the Governor, doing so is not required by law.

In 1999, the expungement statute, ORS 137.225, was amended to require the prosecuting attorney to notify the victim when a motion to set aside a conviction was filed by the defendant, and the victim was given the right to be heard at the hearing on the defendant's motion. 1999 Or Laws ch. 79 (SB 21). We believe similar provisions should be included in any law seeking to seal records of a conviction. Since SB 388 is only necessary because the expungement statute does not apply to the most serious felonies, it is particularly important that the victims of those felonies have a meaningful opportunity to be heard before the record of the harm done to them is forever sealed.

Respectfully,

Rosemary Brewer, Executive Director
Oregon Crime Victims Law Center