



Legislative Testimony

Oregon Criminal Defense Lawyers Association

February 20, 2019

The Honorable Representative Jennifer Williamson, Chair
House Judiciary Committee, Members

Re: Testimony Opposing HB 2500

Dear Chair Williamson and Members of the Committee:

Thank you for the opportunity to submit the following comments regarding HB 2500.

I wanted to reach out to you to register my organization's initial concerns with HB 2500.

As written, we oppose the bill as it doesn't appear to require a conviction of any kind, appears to indicate that the assumption of care is necessary, requires deference to a veterinarian regarding "reasonableness" of necessary care (as opposed to allowing a Judge to make a finding based off of testimony received) and removes all judicial discretion when it comes to making necessary findings and imposing fines/attorney fees.

We are very concerned as we fear the fact patterns this statute will loop in are the mentally ill, impoverished defendants who have too many cats/rabbits/dogs who won't actually have an ability to pay a judgment that a court would have no discretion but to impose. We also fear this will loop in people who are struggling to provide adequate care or *who appear* to be struggling to provide adequate care to their animals—this seems to allow anyone to remove another's animals from their care, provide care that is per se "reasonable," and then sue for money. As written, this bill is troubling.

We've shared our basic concerns with Rep Wilde, and we appreciate his willingness to continue this conversation.

Thank you for your consideration.

Mary A. Sofia

Legislative Director
Oregon Criminal Defense Lawyers Association
503.516.1376 * msofia@ocdla.org

About OCDLA

The Oregon Criminal Defense Lawyers Association (OCDLA) is a private, non-partisan, non-profit bar 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. The Oregon Criminal Defense Lawyers Association serves the defense and juvenile law communities through continuing legal education, public education, networking, and legislative action.

OCDLA promotes legislation beneficial to the criminal and juvenile justice systems that protects the constitutional and statutory rights of those accused of crime or otherwise involved in delinquency and dependency systems as well as to the lawyers and service providers who do this difficult work. We also advocate against issues that would harm our goals of reform within the criminal and juvenile justice systems.

For questions or comments contact:

Mary A. Sofia, OSB # 111401
Legislative Director
Oregon Criminal Defense Lawyers Association
503.516.1376 * msofia@ocdla.org