



Legislative Testimony

Oregon Criminal Defense Lawyers Association

March 25, 2019

The Honorable Senator Floyd Prozanski, Chair
Senate Judiciary Committee, Members

Re: Testimony in Support of SB 778

Dear Chair Prozanski and Members of the Committee:

Thank you for the opportunity to submit the following comments in support of SB 778:

SB 778 is a product of Sen. Dembrow's *Workgroup on Reentry, Employment, and Housing* that met over the past year, and OCDLA is honored to support this bill.

SB 778 expands the Certificate of Good Standing procedure that was introduced and passed in [SB 690 in 2017](#)—SB 690 created a process for people to obtain a certificate that can be used by people to show potential employers and others that they have complied with probation, have proven themselves to be engaging in positive changes, and are doing well in the community. In that bill, a person convicted of a nonperson felony or class A misdemeanor could apply for a Certificate from a circuit court by filing a petition for the Certificate after obtaining a written statement from the supervisory authority verifying the person has completed supervision and is eligible for a Certificate. The court then could grant the petition for the Certificate if the court determined, by a preponderance of evidence, that the person (1) has fully complied with the requirements of the person's sentence; (2) is not in violation of any conditions of the sentence; (3) is compliant with the financial obligations of the sentence; (4) has no criminal charges pending; (5) is engaged in, or seeking, a lawful occupation or activity, such as training, education, or rehabilitation. The county district attorney must be served with the petition and may object. If the district attorney does not object, the court can issue the Certificate without a hearing.

This bill seeks to expand the positive impact of the Certificate of Good Standing by expanding the eligibility for a Certificate of Good Standing to any crime. This bill updates the language to require the court to provide a copy of the petition for the certificate to the district attorney—the strict process to obtain the certificate remains in place.

This bill also seeks to remove barriers to housing by allowing landlords more freedom to rent and lease to individuals who have obtained a Certificate of Good Standing. The bill provides that, in negligence actions against landlord for renting or leasing to specific tenant, fact that tenant has valid Certificate of Good Standing creates rebuttable presumption that landlord was not negligent.

And lastly, the bill seeks to help individuals with a Certificate of Good Standing fully reintegrate into their communities. The bill prohibits denial of license, permit, registration, certificate or other qualification to engage in practice of profession, occupation or business, or preclusion from volunteering in school, based solely on prior criminal conviction if person has Certificate of Good Standing.

This bill is a necessary step in the right direction of removing barriers and minimizing the unintended collateral consequences of convictions. This process gives both hope and incentive to people to complete probation, seek gainful employment, participate in their families, and fully re-integrate into their communities. OCDLA strongly urges this committee to update and expand this law by passing SB 778.

Thank you for your consideration.

s/ Mary Sofia

Mary A. Sofia, OSB # 111401

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