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April 4, 2019

Senate Committee on Judiciary  
Oregon State Legislature  
Salem, OR

Via email only to: [sjud.exhibits@oregonlegislature.gov](mailto:sjud.exhibits@oregonlegislature.gov)

### **TESTIMONY REGARDING SB420**

Chair Prozanski and Committee Members:

I regret that I am unable to be in Salem for the hearing on this critically important legislation and respectfully request that you consider this letter as my testimony.

I am a lawyer and cannabis law reform activist who has attended each Legislative Session since 1999 as an unpaid citizen activist. I also helped write the Oregon Medical Marijuana Act and Ballot Measure 91, and, during the 2015 session, worked with Senator Frederick and (then) Representative (now Judge) Lininger on amending the law on setting aside cannabis convictions to expand it to include previously inexpungible prior convictions. About 10-20% of my practice includes Motions to Set Aside prior cannabis related offenses on behalf of retained clients.

The problem that SB420 tries to address is one of access to justice for victims of the war on drugs. Although the some District Attorneys Offices make forms and other information available online and provide other assistance to *pro se* litigants, and although legal fees for this service are, compared to fees for other legal services, relatively low, when combined with the filing fee (currently \$265) and the fee to the Oregon State Police for reviewing a prior record from a fingerprint card submitted by the applicant (\$80), it can cost enough to be a barrier to access for indigents suffering collateral difficulties based on these prior convictions.

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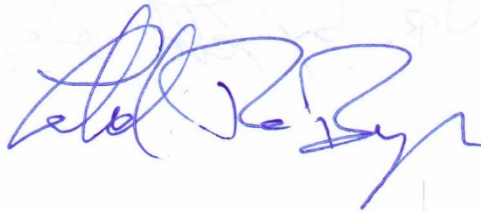
Senate Committee on Judiciary  
Re: Testimony Regarding SB420  
April 4, 2019  
Page 2

One possible solution to this problem would be to expand the role of indigent defense counsel to include judicial authorization for the appointment of counsel for indigents seeking this relief. I recognize this would generate a fiscal and jeopardize the ability of this idea to become law at least during the current Legislative session, but I think that ultimately this is the appropriate solution.

I am aware that a workgroup has been meeting regarding this bill and I know from speaking and emailing with some members of the workgroup that they have worked hard on this draft and any amendments to be filed and, therefore, I urge the Committee to move the bill with a Do Pass recommendation.

Thank you for taking on this issue and for your kind consideration of this testimony,

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Leland R. Berger". The signature is fluid and cursive, with the first name "Leland" being the most prominent part.

Leland R. Berger