



# Legislative Testimony

## Oregon Criminal Defense Lawyers Association

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April 18, 2019

The Honorable Senator Prozanski, Chair  
Senate Judiciary Committee, Members

### **Re: Testimony in Support of HB 2471**

Dear Chair Williamson and Members of the Committee:

#### **Thank you for the opportunity to submit the following comments supporting HB 2471.**

Prior to taking on my role as the Legislative Director with OCDLA, I practiced criminal defense in both the adult and juvenile systems. I practiced family law, worked with families in dependency law, and I practiced adult and juvenile criminal defense as a court appointed lawyer and as a public defender. During my time practicing law, I represented many people who struggled to overcome not only the collateral consequences associated with being “processed” through the criminal justice system, but also people who struggled to even be able to walk through the court house doors.

We are in deep transition right now around the concept of reducing collateral consequences<sup>1</sup> because we know that life after the criminal justice system is excessively burdensome for people who are doing their best to become contributing members of society again.

I submit to you that we also need to have a serious discussion about what happens up front. We must make sure that the courthouse doors are open to everyone—not just for people who can afford to pay for a lawyer, can pay a filing fee, can walk in unafraid of being detained, or can pay a ticket before they can challenge it.

#### **Everyone deserves access to justice—not just people who can pay up front.**

Through mechanisms such as fees, fines, cash bail, and private probation, criminal justice outcomes are often linked to a person’s economic status.<sup>2</sup> This current process of requiring payment before one can challenge their ticket absolutely pre-supposes a negative outcome for those who cannot pay.

This bill seeks to address the systematic and economic barriers that have unfortunately been baked in to our system. **Walking through the court house doors without burdensome systematic or economic barriers is a necessity. We see this bill as addressing an important access to justice issue, and we see this bill as allowing people to resolve legal matters in their daily lives in a more equitable, more fair, and necessarily more accessible way. For the reasons outlined above, OCDLA strongly urges a “yes vote” on HB 2471.**

**Thank you for your consideration.**

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<sup>1</sup> See The Justice Center’s Nation Inventory of Collateral Consequences of Conviction, <https://niccc.esgjusticecenter.org/>

<sup>2</sup> *Criminalization of Poverty*, CRIMINAL JUSTICE POLICY PROGRAM: HARVARD LAW SCHOOL, <http://cjpgp.law.harvard.edu/criminalization-of-poverty>

## **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:**

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