



Legislative Testimony

Oregon Criminal Defense Lawyers Association

March 19, 2019

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

Re: Testimony in support of HB 2462

Dear Chair Prozanski and Members of the Committee:

Thank you for the opportunity to submit the following comments in Support to HB 2462:

House Bill 2462 seeks to ensure justice-involved servicemembers access appropriate resources.

- The bill provides that courts must inform servicemembers of:
 - Eligible treatment programs;
 - Specialty courts;
 - Diversion;¹
 - Mitigated sentencing;
- The bill ensures that an individual's status as a servicemember:
 - Is disclosable to the judge on the servicemember's request;
 - Cannot be viewed as an aggravating factor.

We support HB 2462 for the following reasons:

Contact with the Criminal Justice System can be an opportunity to help an individual.

Some servicemembers need help following service. Contact with criminal justice system should not be the first opportunity to direct these individuals to resources, but it absolutely should be an opportunity that is taken advantage of. By providing specific procedural measures that allow judges to take account of and inform justice-involved servicemembers of available resources, the harsh results of incarceration can be mitigated. This is especially important because, as a population, many underlying needs go unaddressed. For example, the U.S. Department of Veterans Affairs indicates that half of veterans involved with the criminal justice system have mental health problems or substance abuse disorders.² Combat veterans specifically have higher

¹ See “-2”, HB 2462, Leg. Sess. (2019)

² Mike Richman, *Veterans and the Criminal Justice System*, VA Research Communications (Sept. 7, 2018) [<https://www.research.va.gov/currents/0918-VA-researcher-examines-Vets-who-collide-with-criminal-justice-system.cfm>] (accessed March 19, 2019).

rates of mental illness.³ There is also high risk of suicide amongst those who have served.⁴ Oregon in particular has had a history of missteps with servicemembers,⁵ and only a few years ago had the highest rate of incarceration for veterans specifically.⁶ It should be this State's priority to take steps to protect veterans and their rights, and provide avenues for help.

HB 2462 adds procedural steps that make a servicemember's success following a criminal justice matter more likely. First, a judge who knows of an individual's status as a service member can adjudicate accordingly, including directing the individual towards a specialty court or diversion program. Additionally, a judge should weigh a servicemember's contribution to the country when sentencing the individual. Lastly, informing them of available treatment programs only increases their chance of success.

For the reasons outlined above, OCDLA urges a "Aye" to HB 2462. Thank you for your consideration.

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.

³ Jennifer Bronson et al., *Veterans in Prison and Jail 2011-12*, Bureau of Justice Statistics, Special Report (December 2015) [<https://www.bjs.gov/content/pub/pdf/vpj1112.pdf>] (accessed March 19, 2019)

⁴ Oregon Health Authority, *Suicide Among Veterans, 2008-12*, Public Health Division (2014) [<https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/INJURYFATALITYDATA/Documents/NVDRS/suicide-among-oregon-veterans2008through2012.pdf>] (accessed March 19, 2019) (Veterans accounted for 23% of all suicide deaths in Oregon, while only accounting for 8.7% of the population).

⁵ Ericka Cruz Guevarra, *Roseburg VA Has Highest Opioid Prescription Rates Nationwide*, Oregon Public Broadcasting (January 11, 2018) (Accessed March 19, 2019) (Roseburg VA proscribed opioids at a rate of 20%); *See also*, Katie Shepherd, *Oregon Prisons Were Ordered to Protect Veteran Benefits. They Tried to Find a Loophole Instead*, Willamette Week (September 12, 2018) [<https://www.wweek.com/news/state/2018/09/12/oregon-prisons-were-ordered-to-protect-veteran-benefits-they-tried-to-find-a-loophole-instead/>] (accessed March 19, 2019) (Oregon DOC collected monies from veterans benefits accounts, appearing to sidestep a law protecting those resources).

⁶ Jesse Barton, *Home Free: Combatting Veteran Prosecution and Incarceration*, 11 Justice Policy Journal 1, 3 (2014) (Finding veterans make up 8.4% of the total state population, but 18.9% of the state prison population).

For questions or comments contact:
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