



## John Hummel District Attorney

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Senate Committee on Judiciary  
Oregon State Legislature

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I respectfully request your “no” vote on HB 3201-A. Passage of this bill would cripple an already overburdened criminal justice system.

The legislature created a driving under the influence of intoxicants diversion program that thousands of Oregonians avail themselves of every year (approximately 500 annually in Deschutes County). A requirement for entry into this program is that the defendant, with the assistance of counsel, must waive his or her right to trial and enter a plea of guilty or no contest. Because of this requirement, if a suspect fails to successfully complete the program a conviction is entered. If HB 3201-A passes it's likely that most of the suspects who fail to successfully complete a DUII diversion program will proceed to trial resulting in hundreds, if not thousands, of additional trials a year in Oregon.

Who will pay for the additional judges and deputy district attorneys required to handle these cases? If no one pays, the result will be that already bogged down courts and overburdened prosecutor offices will have to again lower the level of service we provide our communities. Cases that take two years to reach trial will take 2+ years. Deputy district attorneys who spend 1 hour on cases that require 20 hours of work will spend 30 minutes on the cases.

We can always handle the work load you give us: as you up the work load the quality goes down. Respectfully, you need to decide the level of service you deem appropriate for our state. The current level of service the public receives in our criminal justice system is sub-par because we are significantly under resourced. Passage of this bill will exacerbate the problem.

Know that I support the intent of this bill. In 2017 I designed and implemented a pre-charge diversion program for possession of small quantities of controlled substances. I don't require a plea of guilty or no contest for suspects to enter the program (the program involves referral to a primary care doctor). However, this is a small scale program relative to Oregon's DUII diversion program. My point is that certain diversion programs in certain counties are appropriate for entry without a plea of guilty or no contest. But HB 3201-A's sledge hammer approach to the issue will result in unintended consequences.

If there is interest from others I'm happy to work with them during the interim to help develop a plan to allow more suspects into diversion programs pre-plea, while not crippling our already overburdened criminal justice system.

Thank you for your consideration.

Sincerely,

John Hummel