



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: May 6th, 2019

TO: Honorable Paul Holvey, Chair of the House Committee on Rules

FROM: Aaron Knott, Legislative Director

SUBJECT: HJR 10 – Supporting Unanimous Juries

This testimony is presented in support of HJR 10.

Background

With the passage of xxx in Louisiana, Oregon is now the sole state in which a conviction for a felony is permitted with less than a unanimous vote of the empaneled jury. This renders Oregon an outlier, out of step with criminal justice in the rest of the country. This status is all the more troublesome because the practice of allowing a conviction with less than a full unanimous vote has been linked with the historical exclusion of diverse viewpoints. In Oregon, where maintaining sufficient levels of diversity in the jury pool to fairly represent all racial, ethnic and social demographics is a continuing challenge, allowing a conviction with less than unanimity can easily exclude minority voices.

Racial disparities in the fair application of justice are endemic across Oregon's criminal justice system, with minorities significantly overrepresented as criminal defendants in almost every phase of that system. Our system of jury based conviction is designed to serve as an accountability mechanism against the state itself, guarding against overzealous or flawed prosecution by ensuring every accused defendant access to an empaneled jury of their peers. But this only functions as it should insofar as that jury does fairly represent the community as a whole, and hedges against the isolation and silencing of minority voices.

Requiring unanimous juries ensures fair representation, promotes systemic accountability and legitimacy, and brings Oregon in line with all 49 of our sister states.

The Oregon Department of Justice urges passage of HJR 10.

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