



Oregon Crime Victims Law Center

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Dear Chair Williamson, Vice-Chair Gorsek, Vice-Chair Sprenger and members of the Committee:

My name is Rosemary Brewer, and I am the Executive Director of the Oregon Crime Victims Law Center, a nonprofit organization that provide free legal representation to crime victims to help them assert their rights in criminal cases and to advocate for them in related matters.

At the outset I'd like the Committee to know that the Oregon Crime Victims Law Center supports the rehabilitative principles behind pardon and expungement. However, OCVLC opposes the passage of SB 388 as it is currently written. In its current form the bill would permit the expungement of the most serious felonies without prior notice to victims. Under Article 1 Section 42 of the Oregon Constitution, victims have the right to have a meaningful role in the criminal justice system. For that role to truly be meaningful, it is critical that victims be able to provide input on a matter as important as an expungement, which would seal the record of a criminal conviction forever, including those of the most serious crimes committed.

In the interest of advancing this bill to further its rehabilitative purposes, OCVLC has worked with Committee Counsel on amendments that take victims' interests into consideration. These amendments include a requirement that the district attorney notify the victim if an application for a pardon is being considered by the Governor, and give victims the right to provide information relevant to the governor's decision. The amendments would also require that the district attorney's office provide to the governor's office records including police reports, charging instrument, plea petition (if applicable), sentencing judgment, victim impact statements, and evidence of payment or nonpayment of restitution or compensatory fines. Should the petition be granted, these records would be filed with the Secretary of State pursuant to ORS 144.670. Further, if the pardon is granted, the Governor's office would provide notice to the district attorney's office, and in turn the district attorney would notify the victim of the pardon and pending expunction.

We believe these amendments would balance the societal interests in the rehabilitation and restoration of criminal defendants with victims' rights to have a meaningful role in the justice system. Victims of the most serious violent crimes deserve to have input into the government's decision whether to treat the crimes as though they have never happened, and to allow the offenders to lawfully deny having perpetrated the crimes. OCVLC supports the passage of SB 388 if the amendments mentioned are included. Thank you.