



# Legislative Testimony

## Oregon Criminal Defense Lawyers Association

---

May 6, 2019

The Honorable Representative Paul Holvey, Chair  
House Rules Committee, Members

**Re: Testimony in support of HJR 10**

Dear Chair Holvey and Members of the Committee:

Oregon Criminal Defense Lawyers Association (OCDLA) supports HJR 10 that refers a ballot measure to Oregon voters that seeks to require unanimous jury verdicts in all criminal cases.

This change will ensure that fundamental and necessary rights of the accused—to receive a fair trial where prosecutors must prove their case beyond a reasonable doubt and jurors fully and fairly deliberate before returning a verdict—are required in Oregon. Oregon is the last remaining state to allow an individual to be convicted of a felony (only excluding murder) with only 10 of 12 jurors agreeing on the verdict. In November of 2018, Louisiana joined the rest of the states and the federal government in requiring unanimous verdicts in all cases through their passage of a ballot measure. Oregon is now truly an outlier.

The legislature has the power to refer this ballot measure to the people so that we can finally change a provision of our constitution, a vestige of the past that needs remedied. In his opinion issued in December of 2016 in *State v. Williams*, now Court of Appeals Judge Bronson James noted not only the legislature's role but also the need for the change: "It is possible that the entity best suited to crafting a viable remedy in this area is the Oregon Legislature. It is clearly an issue of great importance that is potentially disadvantaging thousands of Oregonians. It is worthy of that body's time."

Our organization celebrates its 40<sup>th</sup> anniversary this year, and we have cared about this issue for almost as long as we've existed. This bill is a priority for us—we appreciate the committee hearing this today and encourage you to vote yes.

OCDLA strongly urges a "yes" to HJR 10. Thank you for your consideration.

Mary Sofia  
Legislative Director  
Oregon Criminal Defense Lawyers Association

## **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:**

Mary A. Sofia, OSB # 111401  
Legislative Director  
Oregon Criminal Defense Lawyers Association  
503.516.1376 \* [msofia@ocdla.org](mailto:msofia@ocdla.org)