



Legislative Testimony

Oregon Criminal Defense Lawyers Association

May 14, 2019

The Honorable Jennifer Williamson, Chair
House Judiciary Committee, Members

Re: Testimony regarding SB 597A (Legislative History & Intent Included)

Dear Chair Williamson and Members of the Committee:

As OCDLA's Legislative Director, I am writing to follow-up to my testimony submitted at the time of the initial hearing on March 20, 2019.

OCDLA still has concerns with the concept of allowing a pseudonym/initials in an indictment as well as with the Dash-3 Amendment adopted as SB 597A for many of the reasons we outlined in our original testimony, but we do believe SB 597A is the better version of this bill as it is more narrowly tailored and alleviates some of our concerns.

- **The Dash-3 Amendment incorporated into SB 597A:**
 - allows for the use of a pseudonym or initials on indictments for sex crime victims only;
 - excludes general witnesses who are not also a victim of sex crimes in the same case—indictments shall continue to have witness names on them;
 - removes any delay of information to defense counsel or defendant (“good cause” and “later” language is removed) allowed in the original bill and in the Dash-2;
 - says the second piece of paper with victim/witness information shall be provided to a pro se defendant if they do not have counsel subject to a protective order;
 - says the second piece of *paper* is “confidential” in the court file to be shared with parties to the case only and will be removed from the “confidential” piece and releases as NOT confidential when the case is closed and judgment entered.

This piece regarding “confidentiality” was discussed at length, and I am providing the necessary legislative history and intent on this piece.

Legislative History and Intent:

The second piece of paper with the victim name (witness if also a sex crime victim in the case) will be considered confidential amongst the parties to the case and the actual piece of paper cannot be shared. **However, important legislative history applies to this piece: the confidential nature of this piece of paper does not apply to the *actual information (ie, the names/contact information/whatever else listed)* in the document. The actual information is NOT confidential, just the actual *piece of paper*. This was discussed at length with stakeholders including Sen Taylor's staff, Aaron Knott with the DOJ, representatives from ODAA, and Sen Prozanski's Judiciary counsel, and there was agreement that the intent of labeling this document “confidential” is simply so the actual *paper* will not be shared in**

order to harass or embarrass victims (ie posting on Facebook etc.), but *the information contained in the document is not confidential in any other sense*—it shall still be used by defense, investigators, etc. to contact the victim/witness, investigate the case, discuss the names with anyone, and use the *information* as they would otherwise. *The actual information contained in the document is not “confidential” in any sense.*

Thank you for your time. I am available by cell 503.516.1376 to answer any questions you may have.

Respectfully,

Mary Sofia

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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:
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