

TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 10, 2020
RE: Concern about HB 4145– Unlawfully threatening schools or places of worship

Chair Sanchez, Vice Chairs Bynum and Sprenger, and Members of the House Committee on Judiciary,

OCDLA has been the leading voice for public defense policy in Oregon for over 40 years representing 1,200 providers statewide. Our members work with youth in the juvenile justice system, parents whose children have been removed, children in foster care, and adults in criminal justice system, appeals, civil commitments, and post-conviction relief proceedings. OCDLA advocates for legislation ensuring the rights of the accused, those involved in the juvenile justice system, and the attorneys, investigators and others who do this difficult work.

OCDLA has concerns about HB 4145. We are sensitive to the fact that threats and shootings at schools and places of worship is now an unfortunate part of our American society. We want our community to be protected and we also want people who are in need of mental health treatment to be able to receive such treatment.

We support increased funding to beef up community-based mental health treatment. However, OCDLA is not clear if the mental health services contemplated in HB 4145 would be provided to the people who commit the crime in HB 4145. We believe that there is a need for mental health services for the variety of crimes under existing Oregon law, as opposed to creating a new crime and providing a carve out for mental health services in the creation of that new crime. Oregon is in sore need for community-based mental health treatment and we would welcome being a part of that conversation.

OCDLA is concerned about creating a new crime instead of utilizing the existing crimes DAs have at their disposal. We would like to examine whether or not an existing crime can be amended instead of creating a new crime. We are also concerned that if there are multiple redundant crimes, that a person may be charged with several crimes and be pressured into a plea deal when a few of those crimes are dismissed in exchange for the person's guilty plea.

We would like more time to look into how many cases would fall under HB 4145 and if those cases cannot be addressed by other means that DAs have in their toolbox. We would like more time to determine how many of these cases (that would fall under HB 4145) are committed by adults and how many by juveniles. OCDLA would like to examine how best to meet the mental health needs of the individuals who commit the crime that would be covered by HB 4145. If there is an opportunity to engage in a discussion about this in the interim, we look forward to being a part of that.

Respectfully submitted by,
Mae Lee Browning, J.D.
Oregon Criminal Defense Lawyers Association