

June 25, 2020

*Joint Interim Committee on the First Special Session of 2020*

Speaker Tina Kotek, Co-chair

President Peter Courtney, Co-Chair

House Republican Leader Christine Drazan, Co-Vice Chair

Senate Republican Leader Fred Girod, Co-Vice Chair

Members of the Committee

**Re: Testimony Supporting AMENDMENT to “Judicial Proceedings Extensions” in HB 4212, Section 6**

Dear Speaker Kotek, President Courtney, Co-Vice Chairs Drazan and Girod, and Members of the Committee:

My name is Mary Sofia, and you knew me previously as OCDLA's Legislative Director/Lobbyist between 2017-2019. *However, I am not claiming any tie to OCDLA in this letter.* Rather, I am reaching out to you simply as a concerned citizen and a criminal defense lawyer (my profession of almost 10 years).

I join my respected colleagues, public defenders represented by AFSCME Locals 2435 (the OPDS Appellate Attorneys), 2805 (Multnomah Defenders, Inc.), and 3668 (Metropolitan Public Defenders) in expressing how appreciative we are that various stakeholders took the time to sit down with us multiple times this week and discuss this concept further. A special thank you to Chief Justice Walters for her time, energy, and dedication to making sure the court system runs smoothly for all Oregonians.

**I am writing this letter in support of amendment language and to follow-up on my earlier testimony dated June 22, 2020 opposing the original language of the “Judicial Proceedings Extension” in various LC’s including LC 84 and LC 45.** My original testimony citing my concerns with the original language can be found in the materials section of the original hearing held on June 22, 2020 in front of this committee.

**As a result of the multiple meetings, we have reached consensus amendment language that attempts to balance the Court’s needs for flexibility during this time of global crisis while recognizing the continued and unadulterated need for access to justice and a day in court for the vulnerable, and often indigent and BIPOC, masses held in Oregon’s jails.**

**The amended language (not yet seen at time of submitting this testimony) is meant to revise the original language as follows:**

- First, the revision clarifies when a defendant can be held indefinitely: If the defendant is charged with a violent felony, the court may deny release upon making the findings in ORS 135.240(4), and the court may then hold the defendant indefinitely. That defendant will then have a trial as soon as practicable in custody. This is already the current state of the law in Oregon.
- Second, the revision deletes originally suggested language in the original draft’s 3(b)(B) which would have created a new and worrisome rubric for holding people in custody. We appreciate that this provision has been removed.

- Third, the revision modifies the original 3(b)(B) language by requiring the court to make special findings for person crimes before having the ability to make good cause findings to extend criminal trials for up to an additional 60 days before trial or release is required. This modifies the current state of the law which does not allow an extension past 180 days in custody without trial or release. This is compromise language that modifies the original LC's language which allowed people in custody to be held *indefinitely*. This language is meant to strike a balance between the Court's need for flexibility in bringing 1000's of people to trial and the very important rights of Oregonians to not sit in jail indefinitely without due process or certainty.

As a resident and small business owner in Multnomah County and a committed public defense lawyer, I look ahead to further legislation that seeks to address badly needed re-creation of the criminal justice system in Oregon including ending cash bail, holding law enforcement accountable, and protecting the rights of the accused.

**Thank you so much for your time and all of the work each of you do for Oregon. Please let me know if I can be a resource or if you have questions.**

Sincerely,

Mary Sofia, OSB # 111401  
Criminal Defense Lawyer