



Strength in numbers. Fairness in Justice. OCDLA champions justice, promotes individual rights, and supports the legal defense community through education and advocacy.

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 adults in the criminal justice system, appeals, civil commitments, and post-conviction relief proceedings, they work with youth in the juvenile justice system, parents whose children have been removed, and children in foster care. OCDLA hopes to achieve an equitable and effective criminal justice system by advocating for legislation that ensures the rights of the accused and those involved in the juvenile justice system, and for the attorneys, investigators, and others who do this difficult work.

2023 Legislative Priorities

<p style="text-align: center;"><u>Recovery Happens</u></p> <p style="text-align: center;"><u>Apply Treatment and Recovery Philosophies to DUII</u></p> <ul style="list-style-type: none"> ➤ Don't exclude people from diversion for non-DUII related education or treatment. ➤ Allow hardship permits when a person can demonstrate their recovery track record. 	<p style="text-align: center;"><u>Context Matters</u></p> <p style="text-align: center;"><u>Allow a Reasonable Mistake of Age Defense</u></p> <ul style="list-style-type: none"> ➤ Allow people to raise a reasonable mistake of age defense for certain offenses with the defendant bearing the burden to proof by a preponderance of the evidence.
<p style="text-align: center;"><u>Break the Cycle</u></p> <p style="text-align: center;"><u>Support People Struggling to Make Ends Meet</u></p> <ul style="list-style-type: none"> ➤ Drivers' licenses shouldn't be suspended when a person is taking steps to create a life to be able to pay support in the future. 	<p style="text-align: center;"><u>Sustainable Public Defense Workforce</u></p> <p style="text-align: center;"><u>Create a Viable Career in Public Defense</u></p> <ul style="list-style-type: none"> ➤ Adopt a sustainable and ethical workload model. ➤ Ensure competitive compensation.



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Recovery Happens: Apply Treatment and Recovery Philosophies to DUII

Encourage participation in treatment programs.

A person is prohibited from participating in DUII diversion based upon current or prior (within the last 15 years) participation in a "similar alcohol or drug rehabilitation program." This language bars people who participated in any drug or alcohol treatment as part of juvenile proceeding. For example, a mother's participation in treatment in juvenile court barred her from diversion and a 16-year old's court-ordered treatment barred her from diversion as an adult. People shouldn't be excluded from diversion for non-DUII related education or treatment.

Allow hardship permits when a person can demonstrate their recovery track record.

Drivers' licenses are permanently revoked for a third or subsequent DUII. No hardship permit is available. The current law does not recognize that people can get and stay sober and does not take into account when the prior convictions are distant in time. For example, an elderly person whose DUIIs were spaced far apart. The elderly person is sober and now cares for their disabled significant other, but is not allowed to drive the significant other to doctor's appointments, cancer treatment, etc. Additionally, not everyone lives in an area with decent or any public transportation, which can be a barrier for maintaining employment. People should be eligible for a hardship permit after 5 years, which must be judicially approved, and the person must show good cause to be eligible, such as filing a petition to demonstrate sobriety.

Context Matters: Allow a Reasonable Mistake of Age Defense

Under current law, a person can be convicted of rape for consensual sex with a person under the age of 16 even if they reasonably believed the other person to be older than 16. This comes up in situations where an adult meets another person in a bar late at night. People should be allowed to raise a reasonable mistake of age



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defense with the defendant bearing the burden to prove the reasonableness by a preponderance of the evidence. Evidence that the other person affirmatively misrepresented their age is relevant to this determination but is not conclusive.

Break the Cycle: Support People Struggling to Make Ends Meet

People can have their driver's license suspended for failure to pay child support. It is counterproductive to suspend people's driver's licenses because they are too poor or don't have jobs to pay child support. For people who are low-income and qualify for a public defender, having their license suspended can lead to them falling further behind on their child support payments if they are unable to drive to their jobs. Some people try but cannot afford to pay support at a certain time in their lives. We shouldn't suspend their driver's license and instead, support them in pursuing jobs and obtaining treatment so that they become stable and can pay support in the future.

Sustainable Public Defense Workforce: Create a Viable Career in Public Defense

A career in public defense is hard. When you add high caseloads and low compensation to the already difficult work, it can drive people away from public defense, especially when they don't feel like they can spend the necessary time with each person they represent. A career in public defense is rewarding. People attracted to public defense are mission-driven people who want to change people's lives for the better. In order to retain our current workforce and recruit new people, public defense must be viewed as a viable career. Caseloads should be sustainable and competitive compensation should be comparable to Office of Public Defense Services Appellate Division and Department of Justice. If somebody wants to be a public defender, it's because they want to help people and make our community better. Let's honor that and make it possible.