

**TESTIMONY ON HB 3112
BEFORE HOUSE JUDICIARY COMMITTEE
MARCH 11, 2021**

**PRESENTED BY: ERIN M. PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

My name is Erin M. Pettigrew, Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department (OJD). OJD does not have position on HB 3112 but generally supports efforts to remove barriers and improve access to justice. The goals of this bill are certainly aligned with those values. I would like to provide the committee with information about how the Judicial Department would comply with the parts of the bill that impact courts and to confirm that amendments are forthcoming that would address some logistical concerns.

OJD has had some very productive meetings with the proponents of HB 3112 over the past several weeks to work on some non-substantive refinements to the bill. We appreciate their willingness to work with us and listen to our concerns. Based on those conversations, we understand that there will be an amendment that removes Section 44a of the bill. Section 44a asks OJD to identify probation, parole, and post-prison supervision violations that involve conduct that would constitute a qualifying marijuana offense and then expunge those violation records. It would be very difficult for OJD to comply with the requirements of Section 44a because there is not an automated way to identify that level of case detail within our electronic court records. Compliance with Section 44a would require a costly and cumbersome process and would likely result in a significantly overinclusive list of people and cases. Therefore, OJD supports deleting Section 44a so that the bill is workable for Oregon's state courts.

I also wanted to draw your attention to Section 38. This section requires OJD to provide information concerning all persons who may qualify to have a conviction set aside under ORS 475B.401 as amended by section 39 of the bill. OJD will be able to use the list of qualifying marijuana offenses identified by OPDS – as required by section 37 – to identify individuals and cases. However, our electronic case records for child neglect and child endangerment convictions do not include sufficient information to conclude whether the conviction would qualify for set aside under ORS 475B.401. Those crimes may be committed in multiple ways and there is not an automated way to search our case records for that level of specificity. Therefore, OJD will provide to OPDS a list of all child neglect and child endangerment convictions, in order to capture the convictions eligible for set aside under ORS 475B.401. We think this is worth mentioning, as it could result in additional workload for OPDS.

Finally, OJD appreciates that Section 7 of the bill directs the Cannabis Equity Board to allocate funds from the Cannabis Equity Fund to OJD courts to cover the costs associated with the increase in set aside proceedings under ORS 475B.401. We appreciate the consideration of the proponents for the increased workload and will put those funds to good use in helping Oregonians access the set asides they are entitled to under Oregon law.

Thank you for your time.