

**TESTIMONY ON SB 819
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND
BALLOT MEASURE 110 IMPLEMENTATION
March 31, 2021**

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

Chair Prozanski, Vice-Chair Thatcher, 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 is neutral on SB 819 but supports efforts to create processes in the criminal justice system that afford all participants an opportunity to secure just outcomes that will improve the public's confidence in the criminal justice system.

We are providing brief testimony on SB 819 to raise an issue we hope can be clarified in the bill. The bill as introduced is unclear about whether a trial court retains jurisdiction to hear a petition under SB 819 during the pendency of an appeal. Generally, after a notice of appeal is filed and before an appellate judgment is entered, a trial court loses jurisdiction over the case except in limited circumstances. For example, ORS 137.172 provides that a court may modify a judgment to correct arithmetic and clerical errors during the pendency of an appeal.

SB 819 does not contain any time limitations on when a petition may be filed. And the bill does not expressly state whether a trial court will retain jurisdiction to consider or grant a joint petition for reconsideration of a conviction or sentence while the case is on appeal in an Oregon appellate court. The lack of clarity regarding that jurisdictional question may lead to additional litigation and confusion for litigants and the public while courts resolve the legal question.

The goals of SB 819 are laudable. OJD looks forward to working with the proponents of the bill to address our minor technical concerns.

Thank you for the opportunity to provide testimony.