

Dear members of the Judiciary Committee,

I have practiced law in Oregon since 1988, starting first at Legal Aid in Eugene, moving on to Public Defenders in Lane County and O have been in private practice since 2002 practicing exclusively in the area of criminal defense.

I strongly oppose SB 214.

As Mr. Wilger-Nugent correctly pointed out in his testimony, "[a] cornerstone of our criminal legal system is that presumptions arise against the state, not the defense. The state needs to have at least some substantive burden to prove — rather than merely to recite — the reasonableness of restitution." Under the current law, it is not an unduly heavy burden and in my experience, it is almost always met by the State. One case with an outcome the State disagreed with should not shift the burden to the accused, who is largely from a disenfranchised population represented by Public Defenders with unconstitutionally large case loads.

This bill, if passed, will greatly increase the financial burden of Oregon State Public Defense Services who fund the overwhelming majority of criminal defenders in Oregon. This will further weaken our ability to provide constitutionally mandated levels of representation. In sum, SB 214 is short sighted and ends up punishing the tax payers as well as the accused.

The bill should not pass.