

DATE: February 16, 2021

TO: Oregon House Judiciary Committee

RE: HB2002

FROM: Joshua Wilson

Chair Bynum, Vice-Chair Noble, Vice Chair Power, and members of the House Judiciary Committee—

I offer this testimony in opposition of HB2002, reducing sentences for certain criminal offenses and other provisions of Oregon Revised Statutes.

CONVERSION OF MANDATORY SENTENCES

In 1994, Oregon voters passed Measure 11 by a nearly 2-1 margin. It was a landmark change in our state to hold our most serious violent offenders accountable for their crimes. Since then, periodic changes have been made to the statute, enhancing it in some ways but reducing its effectiveness in others. In 2000, according to Crime Victims United, voters overwhelmingly opposed Measure 94 which sought to repeal Measure 11. It was voted down with a resounding 73.4 percent voter opposition.

One of the reasons voters passed Measure 11 is because they felt the sentences being imposed were not sufficient; judges were not doing their jobs in the eyes of voters. HB2002 aims to give that discretion back to judges and undermine the will of the citizens of this state.

As someone involved with the criminal justice system, I regularly see people sentenced for Measure 11 crimes. More often than not, with crimes such as Manslaughter I and II, I see the offender given the lightest possible sentence allowed by law. That means these people sentenced for homicidal crimes are sentenced to 10 or fewer years in prison. This continued pattern of light sentencing only shows us that given the chance, judges will depart downward from the proposed presumptive sentences in this bill. Not only will these offenders be held less accountable for their actions, but victims and their families will continue to see justice undone at the hands of our courts.

People sentenced for crimes under Measure 11 are not criminals who have committed financial crimes, theft, or other property crimes. They are our state's most dangerous people. We deserve to have a sentencing structure that protects us as long as possible from these people, and a system that gives the offenders as long as possible to participate in rehabilitation programs while serving their sentences.

LIMITATIONS ON ARRESTS AND TRAFFIC STOPS

Section 21 of this bill limits the ability of police to arrest people for certain crimes and to stop vehicles for certain equipment violations. Prohibiting the police from taking people to jail—even for many Class A misdemeanors—emboldens criminals and, in the case of Criminal Trespass II, will eliminate the ability of the police to solve those problems and keep offenders away from the property from which they were trespassed. Similarly, prohibiting arrest for Interfering With Public Transportation does not allow them the ability to remove that person from public transportation, and therefore, continues to allow the offender to keep trains or buses stopped when other citizens are attempting to get to their destinations.

Not allowing police to arrest “johns” for Prostitution does not get them off the street or prevent them from more attempts that night. These are only a few of the detriments that this bill will create.

Seeing a vehicle without both functioning headlights or taillights at night can be confusing to some motorists, especially the elderly and those with reduced vision. If the police are prohibited from stopping drivers for these violations, those drivers may not realize the defect until the accompanying light burns out and they suddenly have no headlights or taillights. Vehicles are required to abide by our statutes—which are frequently derived from Federal Motor Vehicle Safety Standards—for the safety of all motorists. It is unthinkable that the police would not be able to stop a vehicle to correct those safety violations if this bill is passed as introduced.

HB 2002 does nothing to protect the citizens of this state. In fact, it does nothing but reduce safety. I ask you to consider Oregon’s crime victims and do right by the votes of your constituents.

Please do not move HB2002 forward.

Thank you,

Joshua Wilson