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TO: House Committee on Judiciary
FROM: The Public Defender of Marion County
DATE: February 1, 2022
RE: Concerns with HB 4075

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

As a defense attorney of 15 years and the Executive Director of the Public Defender of Marion County (PDMC), I write to express concerns with Section 1 of HB 4075, which would amend ORS 137.106. I ask that you remove Section 1 from HB 4075.

Fortunately, public defenders are protectors of the people. We are the watchful eye on legal processes, including where restitution is an issue. During our legal representation, we review and flag requests that are:

- 1) wildly unreasonable and
- 2) requests that include damages not associated our clients' conduct.

The current legal process requires a minimal showing of evidence of the actual damages. It requires little to no work on behalf of the state and provides a standard of reviewing the production of proof and evidence needed to support reasonable request for restitution.

As we know, the issue of restitution should not be taken lightly because it imposes heavy financial restraints and limitations on our poorest communities. Sometimes, restitution is necessary in order to make a harmed human being whole, to promote individual healing, and support opportunities for repairing damaged relationships. Restitution should not be further changed into another system of oppression, providing an effortless path for insurance companies and big corporations to line their pockets at the irreparable cost of further dividing our communities.

The proposed change in HB 4075 flies in the face of due process and access to justice. The birthplace of this bill is in Deschutes County, it is not born from the experiences of marginalized communities here in Oregon, those that frequently suffer the unchecked decisions of people in power. HB 4705 is a blatant appropriation of real human suffering coupled with intentional policy aimed at further oppressing poor communities. For the above-mentioned reason, PDMC opposes Section 1 of HB 4075.

Respectfully,

The Public Defender of Marion County