



## VIA ONLINE SUBMISSION

February 3, 2022

**Re: Senate Bill 1511**

Dear Chair Prozanski and Members of the Judiciary Committee,

Thank you for your careful consideration of Senate Bill 1511. I am the Director of the National Crime Victim Law Institute (NCVLI) and a Clinical Professor of Law at Lewis & Clark Law School. NCVLI, which is based at Lewis & Clark, is a nonprofit legal education and advocacy agency that works nationally to promote victims' rights and victims' voices in justice systems through crime victim-centered legal advocacy, education, and resource sharing. NCVLI routinely participates in public policy discussions, trains on victims' rights, and joins state, federal and military cases as amicus curiae when critical victims' rights issues are being determined.

NCVLI's work is focused on ensuring that victims of crime have a voice our justice system – a voice that is too often unheard because victims are left out of the process or others coopt their voice. Here in Oregon our work is grounded in our state constitution which affords rights to crime victims in order to, among other things, “ensure crime victims a meaningful role in the criminal and juvenile justice systems,” and “to accord victims due dignity and respect.” Or. Const. Art. I, Sec. 42. Foundational to a meaningful role and dignity are provisions of the Oregon Constitution and statutes that afford victims notice of critical proceedings and an opportunity to be heard in those proceedings.

As drafted SB 1511 leverages a post-conviction process, which some have argued falls outside the purview of constitutional victims' rights; by so doing SB 1511 fails to honor Oregon's commitment to ensure that crime victims are notified and have a meaningful role in critical moments in cases involving their victimization. Further, nothing in the plain language of the proposed legislation ensures victim notification or involvement in the process. This failure to include victims flies in the face of Oregon's commitment to victims and risks substantial collateral litigation over whether and when existing rights and notice provisions attach to such proceedings.

In addition, there can be no doubt that victims will experience a new trauma as cases proceed through the process contemplated. This will be due in part to the fact that what they thought was a final resolution of a horrific chapter in their lives will be re-opened. Despite this, the legislation is silent on ensuring victim services are available and accessible. As we continue to focus on improving systems we must not lose sight of the need to support trauma impacted persons.

There are at least two human beings involved in every criminal case – the accused and the victim. Legislation that wholesale erases either one of these human beings does a disservice to our community. Oregon can and must do better.

Sincerely,

Meg Garvin, MA, JD, MsT