



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 7, 2022
RE: Support for SB 1568 – Compassionate Medical Release

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

On behalf of OCDLA, I submit this testimony in support of SB 1568.

The Oregon Criminal Defense Lawyers Association is a nonprofit professional association for experts, private investigators, and attorneys who represent Oregon’s children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon.

Oregon’s aging prison population is rising. The cost of caring for these individuals is high and their recidivism rate is very low. Prisons are generally ill-equipped to meet the needs of elderly and chronically ill patients who may require intensive services for these conditions. Our statutes recognize that there are instances when incarceration can be cruel and inhumane and not harmful to society if the adult in custody (AIC) suffers from a severe medical condition including terminal illness or is elderly and permanently incapacitated such that they are unable to move from place to place without the assistance of another person.¹

Our current compassionate release process is ineffective. The eligibility criteria are too narrow and not available to most AICs in need of compassionate release. The application process is unclear and the review process can take a significant amount of time to complete.

SB 1568 would establish an independent Medical Release Advisory Committee (MRAC), consisting of licensed medical professionals, that sits within the Board of Parole. The Committee would review applications and make release recommendations solely and objectively from a medical and public health perspective using the newly established criteria.

SB 1568 includes a ramp up period with a detailed timeline, limitations of the number of individuals who can apply, and prioritizing who is eligible for review. Unfortunately, people serving Measure 11 sentences will not be eligible for release. Nevertheless, passing SB 1568 is the compassionate and humane thing to do.

OCDLA urges this Committee to vote “yes” on SB 1568.

¹ ORS 144.126.