

**TESTIMONY ON SENATE BILL 1568
BEFORE THE SENATE COMMITTEE ON JUDICIARY
AND BALLOT MEASURE 110 IMPLEMENTATION
FEBRUARY 8, 2022**

**PRESENTED BY: ERIN M. PETTIGREW, COUNSEL FOR LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

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

My name is Erin M. Pettigrew with the Office of Legislative Affairs at the Oregon Judicial Department (OJD). Though OJD is neutral on SB 1568, we appreciate the humanitarian concerns reflected in bill. We thank Senator Dembrow, Representative Reynolds and their staff for including OJD in the numerous workgroup meetings and discussions regarding this concept last legislative session and over the past several months. We also want to thank our workgroup colleagues for the genuine and productive conversations on this bill and the values behind it. We offer this written testimony to note some issues with the bill as introduced that we believe are resolved in the -1 amendment, and to address other minor technical concerns. We look forward to discussing these further with the proponents of the bill and members of the workgroup.

We appreciate the care and thought that has gone into crafting SB 1568 so that it workable for courts and others. The -1 amendment to the bill addresses concerns that OJD raised regarding the standard to be applied by the circuit court when considering a motion for early medical release. Section 5 (3)(a) of the -1 amendment states that a court shall grant the motion unless the court finds, by clear and convincing evidence, that the movant poses a danger to the public or another person that outweighs any compassionate reasons for release. This change aligns the standards of review for the court and the Board of Parole and creates consistency in the determination of whether a person is eligible for early medical release. OJD appreciates that change in the -1 amendment.

OJD has raised some additional technical concerns directly impacting courts that we hope may be clarified in a future amendment. First, we would like to see a modification to Section 5 (4), which states that a person who has been denied release by a court under that Section may apply or reapply for early medical release if certain conditions are met. We understand that provision to mean that a person should reinitiate the application process with the Medical Release Advisory Committee (MRAC) rather than directly to file a subsequent motion with the court. In other words, while we understand that a petitioner would need to begin again with MRAC should a court deny compassionate release, that section could benefit from a change to clearly articulate that intent.

Second, Section 5 (2)(b) of the -1 amendment gives the court authority to order a psychological evaluation or risk assessment when a motion for early medical release is before the court. OJD would appreciate some clarity regarding who would be responsible for paying for the evaluation, as well as the entity tasked with performing the evaluation.

We look forward to participating in future discussions and continuing the conversation on this bill.

Thank you for the opportunity to provide this testimony.