



TO: House Committee on Rules
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: June 21, 2023
RE: Opposition to HB 3632

House Committee on Rules:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys 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. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

OCDLA opposes HB 3632.

Currently, ORS 131.125(2) allows prosecution of certain sex crimes before victim turns 30 years old or within 12 years after commission of the crime. In 2011 when there was a proposal to eliminate this statute of limitations, the issue stalled in the House Judiciary Committee because of bipartisan concerns for over the inability of the accused to defend against stale and old allegations with no forensic evidence or eyewitness testimony. Many records that exist are destroyed in the normal course of business, such as cell phone records, medical records, counseling records, work timesheets, and rental agreements. The documentation that can establish a chronology of events, help locate witnesses, and establish past statements will not survive an extended statute of limitation period. This will inevitably lead to a "he-said-she-said" case over events alleged to occur long ago, leaving one to wonder what we expect a jury to do with such testimony.

HB 3632 will increase the need for felony-qualified public defense attorneys and thus increase the cost to the state. HB 3632 may increase the wrongful convictions and be costly for the state in terms of the appeals.

The current statute of limitations balances the interests of victims of crimes, the rights of the accused, and the practical cost of defending and appealing these cases.

OCDLA urges your NO vote on HB 3632.
