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To: House Committee on Rules

Re: **HB 3632**

Dear Chair Fahey, Vice-Chairs Breese-Iverson and Kropf, and Members of the Committee,

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit juvenile public defense agency. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latinx people and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ opposes HB 3632.

As written, House Bill 3632 would increase the statute of limitations for certain sex crimes to allow prosecution up to 20 years after the crime was committed, without exception. This language would pose specific challenges when the accused was a child at the time of the alleged offense. As a result, if charges could be brought against someone who is now an adult but was a child when the alleged acts occurred, they would be charged as an adult, with adult penalties, rather than being adjudicated in the juvenile justice system. For example, if a 13-year-old is charged with an alleged act while they are still a minor, they would be under juvenile court jurisdiction, subject to those penalties, and have access to services through the juvenile justice system. If prosecution for the same conduct commenced after that same child turned 18, they would be subject to adult criminal jurisdiction, face potentially harsher penalties, and no longer have access to certain rehabilitative services.

Furthermore, settled science shows that very few children adjudicated for a sex offense reoffend sexually.¹ For that reason, sex offender registration is not an automatic requirement for youth

¹ Michael F. Caldwell, Quantifying the decline in juvenile sexual recidivism rates, 22 Psychol. Pub. Pol'y & L. 414, 416-17 (2016), available at https://floridaatsa.com/wp-content/uploads/2019/01/Caldwell_2016_Quantifying-the-decline-in-JSOR.pdf (reviewing reports published between 1943 and 2015, which showed an average 4.97% sexual recidivism rate for all studies, and only a 2.75% recidivism rate in studies from the last 15 years).

adjudicated by the juvenile court. It is ordered only if the juvenile court determines at the end of supervision that the youth has not proven that they are rehabilitated and not a threat to the safety of the public. ORS 163A.030. If the same 13-year-old were charged as an adult, however, they would be subject to automatic sex offender registration, regardless of their rehabilitation. ORS 163A.010.

Especially without an exception for defendants who were children at the time of the alleged offense but no longer qualify for juvenile court jurisdiction, YRJ opposes HB 3632.