



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 8, 2023
RE: SUPPORT for SB 317

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

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.

I am testifying in support of SB 317.

SB 317 corrects an inconsistency in the law regarding hearsay in the evidence code relating to juvenile delinquency proceedings. OEC 803(18a)(b) allows certain statements of abuse to come into evidence if a witness is unavailable, if the statements contain sufficient indicia of reliability, and, "in a criminal trial," if corroborative evidence of the abuse exists.

In *State v. R. J. S.*, 318 Or App 351 (2022), a youth appealed his adjudication contending that the juvenile court erred by admitting the victim's statement under OEC 803(18a)(b) without requiring corroborative evidence of the abuse. The court held that the plain text of OEC 803(18a)(b) provided that a juvenile delinquency proceeding was not a "criminal trial." The effect of this holding is that uncorroborated hearsay would not come into evidence in an adult criminal trial but would in a juvenile delinquency proceeding. **SB 317 fixes this inconsistency.**
