

Testimony Submitted by  
Hanna Osman, Policy Researcher/Analyst  
Oregon Consumer Justice  
To the Senate Committee on Judiciary

March 14, 2023

Regarding: Support for SB 817

Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary

My name is Hanna Osman, and I appreciate the opportunity to testify on behalf of Oregon Consumer Justice in support of SB 817.

Oregon Consumer Justice (OCJ) organizes, advocates, and supports litigation to advance a justice movement that puts people first, ensuring all have the freedom to thrive and equitably share in our abundance of resources. For too long, flawed systems and economic policies that favor profits over people have stood in the way of this reality, with communities of color most often experiencing the most significant harm. Strengthened through responsive and reciprocal community relationships, OCJ is building a future where financial and business transactions can be relied upon as safe and where all Oregonians know and have recourse to exercise their consumer rights.

Senate Bill 817 is a crucial step towards enhancing the efficiency of the criminal justice system while expanding the scope of human-centered criminal legal processes that balance system efficiency with individual accountability by making more people charged with low-level crimes eligible for “Pre-plea Probation” or “Pre-plea Diversion”.

Pre-plea probation and diversion allow Oregonians accused of misdemeanors and nonperson low-level (Class C) felonies, other than DUIs, to avoid pleading guilty and earn dismissal of their charge while remaining under the supervision of the court. This bill will expand the scope of pre-plea probation and diversion programs, which will benefit Oregonians accused of low-level crimes.

Currently, judges lack the authority to manage criminal legal system overloads by diverting low-level cases into supervision, which can be a significant burden on the system. However, this bill would remove any restrictions imposed by the district attorney, and provide judges the authority to manage low-level cases.

- Defendants would waive their right to a trial, meaning that if they don't follow through with the terms of diversion, they would go into a sentencing hearing.
- This also gives first-time offenders of misdemeanors and non-person Class C felonies the opportunity to connect with services and supports instead of being denied access to housing and self-sufficiency programs due to a felony conviction.

What happens in our criminal legal system impacts all of us, but it disproportionately harms Black and Brown Oregonians as they are more likely to both be arrested and victimized by crime.

- Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans despite making up less than 3% of the total population.
- One in 81 Black adults in the U.S. is serving time in a state prison.
- Latinx Americans are incarcerated in state prisons at a rate that is 1.3 times the incarceration rate of white Americans.

Along with other solutions to support the public defense workforce, SB 817 will help decrease the caseloads of public defenders and courts and provide better access to justice for all Oregonians. We can alleviate the burden on the system, reduce delays, inequities and ensure timely justice for all.

Thank you for your consideration and your service to Oregon's communities.

Please vote YES on SB 817.