

Submitter: Norman Yoshida
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB1070

I write in support of Senate Bill 1070 – Support All Survivors of Domestic Violence:
End the overincarceration and continued abuse of survivors.

Measure 11, which appealed to voters because it appeared to strengthen sex abuse penalties, has demonstrated to be overly broad, giving a judge no leeway in determining the length of a sentence. Thus many domestic abuse survivors, as well as others who who commit a crime as defined by the criteria set forth by Measure 11 are penalized by unduly harsh sentences. Of course those who commit such crimes should not get off scot-free for their criminal behavior. However, those who are arrested and prosecuted for certain acts, such as those committed out of survival (like protecting themselves or their children from the abuser, responding to the abuser's threats?or coercion, fighting back or trying to escape?from the abuser) are often blamed for the abuser's crimes. A judge should be able to have leeway in determining a person's sentence by weighing factors such as the impact of an abusive relationship.

With Measure 11, the state prosecutes and seeks to punish persons such as survivor-defendants to the fullest extent of the law, failing to take into consideration the type and degree of abuse. Oregon's sentencing laws do not adequately allow judges to consider the impact of factors such as domestic violence on survivors.?This results in unjust and excessively long prison sentences.

Because Measure 11 unjustly leaves judges no way to use their discretion in determining the length of a sentence, I ask that you support Senate Bill 1070, which would make it possible for judges to impose other than an arbitrarily harsh mandatory sentence.