

Honorable Co-Chairs Chris Gorsek and Susan McLain
Joint Transportation Committee
900 Court St. NE, Salem, OR 97301

Dear Co-Chairs Gorsek and McLain and Members of the Committee,

I am presently an attorney engaged in private practice. I am the former presiding judge for Pendleton Municipal Court and I am writing you in support of the -1 amendment to HB 4109. This amendment focuses on the current law on failure to appear (FTA) license suspensions.

In my capacity as a municipal judge from 2021 to 2023 I presided over approximately 1,500 crime and violation cases per year. I consider it a great privilege to have had the opportunity to serve the citizens of Pendleton. I prided myself on our court's ability to serve the individuals that came through. We were most effective when we focused on the underlying problem.

As pointed out by other testimony, when a defendant fails to appear, they are held accountable by a conviction on their record and a fine. The added penalty of a mandated license suspension for FTA is often counterproductive to what courts are seeking, which is to collect the imposed fine and correct the behavior.

The ability to drive and employment go hand and hand. Employment leads to managing other financial aspects in a person's life. In the hierarchy of needs, a person should be focused first on their family and fixed costs like food, shelter, utilities, insurance, unreimbursed health costs, taxes and transportation. This includes support obligations, if applicable. Thereafter, the individual should be focused on any debts owed to society. Below that should be discretionary spending. My point is food and shelter should be placed above paying a fine to the Municipal Court.

While judge, my number one goal for convicted traffic offenders was for them to gain lawful employment, if able. That was the best mechanism to ensure payment on fines. I would go so far as to help them fill out job applications and prepare a resume.

A number of judges I spoke with while in Eastern Oregon shared the same opinion. They tended to agree that employment was the best way to avoid recidivism and to collect on fines. Although, such a position is hardly revolutionary or controversial.

Mandated suspensions for FTAs are not a great way to achieve payment of the fine. Additionally, for smaller, rural courts with few staff, having a suspension program which includes sending two notices to DMV for each FTA case as well as having a process in place for Defendants to come to court to clear their suspension can be burdensome and take away our court resources to process our non-traffic caseload like public safety criminal cases. While I do think suspensions can be an effective tool in some cases, courts should have the discretion when, where and how to use that authority.

I appreciate your time and consideration.

Sincerely,

/s/ Blaine Clooten
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