

Submitter: Cody James
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB178

I write to strongly oppose Senate Bill 178, which allows district attorneys to charge defendants a fee for discovery materials in criminal cases. While I understand the intent to offset costs, this measure undermines justice, fairness, and constitutional rights.

Discovery is a cornerstone of due process, ensuring defendants can access evidence to prepare a defense. Imposing fees creates a financial barrier, disproportionately harming low-income individuals who already struggle with legal costs. This risks turning justice into a pay-to-play system, where only those with money can fully exercise their rights. The Sixth Amendment guarantees a fair trial, not one contingent on ability to pay.

The bill's vague language—allowing fees “reasonably calculated to reimburse costs”—invites inconsistency and abuse. Without a uniform schedule, DAs could set arbitrary amounts, burdening defendants unevenly across counties. Costs like “overhead” or “equipment wear” are too subjective, potentially inflating fees beyond reason.

Moreover, this shifts a public responsibility onto private citizens. Prosecutors' offices are taxpayer-funded to uphold justice, not to profit from defendants. Charging for discovery could deter plea negotiations or coerce guilty pleas from those unable to pay, skewing outcomes.

Data backs this concern: a 2023 study by the Oregon Justice Resource Center found 40% of defendants in Multnomah County were indigent. Fees would hit this group hardest, widening inequities. Other states, like California, provide discovery without charge, proving it's feasible.

I urge you to reject SB 178. Justice should not come with a price tag. Instead, fund DA offices adequately through public means, ensuring equal access to evidence for all.