



February 23, 2026
Senate Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Opposition of House Bill 4041

Dear Chair Prozanski, Vice-Chair Thatcher and members of the committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonprofit, nonpartisan organization dedicated to preserving and enhancing civil rights and civil liberties, with more than 50,000 members and donor supporters statewide.

The ACLU of Oregon strongly opposes HB 4041 section 7 - 12 labeled as the Torres -Lopez “fix” and we urge the committee to not pass the bill with this “fix”.

After the Oregon Department of Corrections (ODOC) lawfully released Oregonians from its custody, the State illegally seized many of these Oregonians from the community and reimprisoned them without notice, explanation or an opportunity to challenge their incarceration because of political pressure on the Governor by District Attorneys and retired District Attorneys. Despite the Oregon Supreme Court clearly stating that the seizure of these individuals was illegal, ODOC refuses to release them without individualized court orders.

Following the Oregon Supreme Court opinion in Torres-Lopez I (July 2025), district attorneys, judges, and defense attorneys have now been reminded to simply read judgements at sentencing and ensure that it captures the intent of the court and parties. This requires training not legislation.

However, HB 4041 attempts to “fix” Sentencing Recalculations is rushed and poorly written, which could have serious consequences to our current sentencing structure without adequate deliberation and input from stakeholders and experts. HB 4041 creates a system where district attorneys could challenge sentence calculations without limitations leading to endless litigation which will inevitably harm the most marginalized criminal defendants. This would only continue to fuel the public defense crisis our state faces.

The Sentencing Recalculations in HB 4041 set a dangerous precedent and overreach of power of the state by legislating backwards. The legislation attempts to use statute to correct a perceived error from the ODOC that a court has already ruled on. This sets a new legislative precedent on creating laws for something that has already occurred and has been litigated. By passing this, the state would be allowing the reimprisonment of folks who had already been legally released by a bill passed after they were convicted of a crime. This is alarmingly close to an ex post facto law, may lead to further legal challenges, and would be an unprecedented exercise of legislative authority.

This does not just set a new dangerous precedent, but disrupts and harms individuals who were legally released and have been rebuilding their lives post-incarceration. When someone is released from prison, they face enormous barriers to re-entering society. Those barriers are some of the primary drivers of recidivism. This legislation exacerbates this problem in two ways: first, for those who are re-arrested and re-incarcerated, it completely disrupts whatever progress they have made, making their eventual re-entry harder and second, for everyone, it casts a pall over their release, creating more uncertainty and disincentivizing them from engaging in the work necessary for re-entry.

The ACLU of Oregon strongly urges your opposition for House Bill 4041 Torres-Lopez “fix” and asks that we have further discussions.

Respectfully,

Mariana Garcia Medina, Senior Policy Associate

mgarciamedina@aclu-or.org