

February 13, 2024

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No: HB7311

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES – GENERAL PROVISIONS.

Chairman Craven and Members of the House Judiciary Committee:

The OPD opposes HB7311 where it would change the long-standing law regarding the treatment of straight probation as a conviction for the purposes of enhanced penalties for subsequent convictions but supports the remaining provisions.

The current legal framework, which does not consider a sentence of straight probation as a conviction for purposes of enhanced penalties, acknowledges the diverse range of circumstances surrounding individual cases. This approach reflects a nuanced understanding of rehabilitation, recognizing that individuals sentenced to probation are often granted the opportunity to address underlying issues, receive support, and reintegrate into the community without the added burden of a conviction.

The alteration in the treatment of straight probation as a conviction in some circumstances may lead to an increased burden on the criminal justice system, with potential consequences for overincarceration and strained resources. The existing framework recognizes the value of alternative sentencing methods, such as probation, in addressing the root causes of criminal behavior and fostering rehabilitation.

In conclusion, the OPD urges the Committee to hold HB7311 for further study. Current law strikes a balance between accountability and rehabilitation, allowing individuals on straight probation the opportunity to rebuild their lives without facing the prospect of a conviction. We believe that any changes to this law should be carefully considered to avoid unintended consequences that may undermine the principles of fairness and rehabilitation in our criminal justice system.

Sincerely,

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