



John S. Foote, District Attorney for Clackamas County

Clackamas County Courthouse, 807 Main Street, Room 7, Oregon City, Oregon 97045
503 655-8431, FAX 503 650-8943, www.co.clackamas.or.us/da/

PRESS RELEASE

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For more information contact: John Foote (503) 655-8431

Ruling on HB 3078

Statement:

We believe in the rule of law and will closely abide by the Court's ruling today. Obviously, we are also free to disagree with its decision while simultaneously abiding by it. Oregon's initiative system allows citizens to vote on issues that are brought before them on the ballot. We continue to believe the will of the voters should be respected.

In 2008 Oregon voters overwhelmingly voted for Ballot Measure 57 which provided longer, non-mandatory, sentences for certain repeat felony property crimes like burglary, car theft, identity theft, etc. In 1994 Oregon voters overwhelmingly passed a constitutional amendment that any criminal justice ballot measure passed by the people cannot be changed by the legislature with less than a 2/3 vote. In 2017, the Oregon legislature changed the provisions of Ballot Measure 57 that govern identity theft without a 2/3 vote. We continue to believe that violated the Oregon constitution. However, today the Oregon Supreme Court ruled it did not and we will abide by their decision.

We filed appeals challenging the legislature's unilateral reductions to sentences passed by the people because we felt the issue was important enough to be reviewed by an independent branch of Oregon government, the Oregon appellate courts. While we are disappointed in their decision today, we continue to believe that it is very important that the decisions of the Oregon legislature be open and transparent to the public. Our legal challenge made sure that happened.

We are very concerned that the unique power of Oregon's initiative process has been badly damaged by the actions of the Oregon legislature and the court's decision today. And we are further concerned that the strong sentences overwhelmingly passed by the voters in Ballot Measure 57 for repeat felony property offenders will continue to be reduced by the Oregon legislature.

We will continue to advocate that the will of Oregon voters should be respected and followed by the Oregon legislature.

In the criminal appeal of State v. Valin, the Oregon Department Justice, which normally handles appeals for District Attorneys' Offices, took the unusual step of prohibiting any argument in favor of the successful position the Lincoln District Attorney's Office took at the trial level. Lincoln County Circuit Court Judge Thomas Branford ruled that HB 3078 was unconstitutional. The Oregon Department of Justice refused to advocate that position on appeal and also prohibited the Lincoln County District Attorney's Office from appearing as a party and advocating their position. As a result, no one was allowed to appear in front of the Oregon Supreme Court to argue anything other than the position taken by the Oregon Department of Justice. Not surprisingly, that is precisely the same decision reached by the Oregon Supreme Court.

Oregon does not prosper when there is a complete lack of diversity of opinion. Oregon needs strong checks and balances in its government. At the present time and in this case, those checks and balances were simply missing.

John Foote