



To: **Members of the Senate Judiciary Committee**

From: Kevin Campbell, Executive Director
Oregon Association Chiefs of Police

Date: February 21, 2013

Re: **Testimony regarding SB 444**
Offense of smoking in a motor vehicle with children present

Chair Prozanski and Members of the Senate Judiciary Committee,

On behalf of the members of the Oregon Association Chiefs of Police, please accept this testimony in support of SB 444. This measure creates the offense for smoking in a motor vehicle when children under 18 years of age are present. The legislation would authorize a police officer to enforce this offense as a “secondary violation” following a police stop for a separate traffic violation or other offense. “Secondary violations” are not uncommon in Oregon and police officers throughout the state are used to dealing with them. A good example of a secondary Oregon law is the provisional restrictions that prevent a teen from having passengers under 18 that aren’t members of his/her immediate family during the first 6 months of getting their provisional license.

It is well-established in Oregon that operating a motor vehicle on public roadways is a privilege and not a right. We have numerous laws that limit what a person can and cannot do while operating a motor vehicle on public roads with a significant set of primary laws that allow a police officer to make a traffic stop immediately after observing a violation of that law (i.e. Speeding, Lane Use, Vehicle Equipment requirements, Seatbelts, Window Tint, Turn Signals requirements, prohibitions from driving while impaired). All of these laws are designed with safety in mind and they all have a common theme - to help reduce the social-economic loss to Oregonians. Crashes cost 100’s of millions of dollars in loss to Oregon. In this case, SB 444 addresses an issue of distracted driving as well as a compelling health issue for minors who are not in a position to make a choice about having to remain in a vehicle where someone is smoking.

Thank you for supporting SB 444