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March 18, 2015

Rep. Jeff Barker
Rep. Brent Barton
Rep. Mitch Greenlick
Rep. Wayne Krieger
Rep. Andy Olson
Rep. Bill Post
Rep. Sherrie Sprenger
Rep. Jennifer Williamson
Jeff Rhoades, Committee Counsel and Administrator

Re: HB 2936

To the Members of the House Committee on Judiciary:

HB2936's provisions create an immediate danger to the health and safety and liberty of Oregon citizens and should be summarily rejected by the Judiciary Committee.

If there was a health-based reason for a "sobering facility" wouldn't the Health Department have recognized that need and implemented the rules for such a facility?

This legislation is not for the benefit of incapacitated drunkards and the drug addled. We have "treatment facilities" for them. We have jails, with qualified personnel for them.

This legislation comes out of Josephine County – a place that has lots of jail space but no deputies to man the jail. The people of that county have spoken through the ballot box. They do not want to pay for more deputies. If there is a need for a place to put people who are not acutely intoxicated, but are merely under the influence or buzzed, or stoned, then the good people behind this legislation should be able to mobilize volunteers to man a section of that underutilized jail, under the eye of the elected, and politically accountable, sheriff. That is the politically responsible solution to the perceived need that this proposed legislation seems to try to address.

But as it is, the "sobering facility" will be nothing more than a "holding facility." The customer will come in cuffs and then be stuffed into a small, crowded, locked room. And, let us be honest and clear, "acute intoxication" is irrelevant for admission and irrelevant for discharge from a "sobering facility." There will be no one at a "sobering facility" capable and competently trained to assess if the customer is "acutely intoxicated" compared to being merely "under the influence" or "buzzed" or "normal." If a person is acutely intoxicated on alcohol or drugs, a treatment facility or a detox facility is required because of the medical dangers associated with that condition. No one at a "sobering facility" is going to have even minimal medical training.

Once taken into the facility, the “customer” would not be able to “bail out” or even have the right to communicate with the outside world. There would be no political responsibility or accountability and there would be no effective legal recourse for anything that happens to the customer at the facility. There would be no oversight, judicial or otherwise. There would be no public inspection. Without access to the “sobering facility’s” documentation or the premises, the free press would be totally locked out of reporting on what traditionally and historically has been a unique governmental function.

Soon, marijuana is going to be legal. Can you guess where pot users who contact police are going to be “held”? Can you guess where the citizen who demands answers from a young police officer, who might be mouthy or who won’t put down a video camera – where are they going to find themselves?

If the “sobering facility” is run by private, unregulated businesses, which it will be, there is no limit to how it defines “sober” and what a person has to do to convince the operator that they are “sober” so that they can free themselves. The potential answers to these questions are limited only by your imagination.

The danger and damage this legislation authorizes and immunizes truly is unknown. Our most fundamental liberties and freedoms are needlessly placed at risk. It is a blank check and subject to abuse without any judicial oversight, regulatory oversight, political oversight or oversight by the fourth estate.

Last, as a commercial issue, will there be any limit to what these facilities can charge the customer for their stay at the facility? Will the customer have to pay as a condition of release? If the customer has lots of money, can the operator charge for a better spot, or better treatment or earlier release? This legislation leaves the market free to do what it does.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter Carini', written in a cursive style.

Peter Carini