

## CARINI & FRANCIS

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Re: HB 2936

To the Members of the House Committee on Judiciary:

We have reviewed the proposed amendments to HB 2936 and it is our position that they create new problems without addressing the fundamental flaws that already exist in this proposed legislation.

This discussion would simpler if the Committee would acknowledge that the essential purpose of this legislation is to authorize and create private lock-up facilities. The Committee should be mindful that HB 2936 comes from a county where voters have rejected efforts to levy new taxes to operate its jail. The police no longer can take people to jail, and they want to be able to take them somewhere else.

There are many problems with the proposed private lock-up facilities. There would be no oversight by the judiciary or any other branch of government. There would be no public disclosure of who is being held in custody. There would be no need for these private lock-ups to carry liability insurance, because they would be granted virtually absolute immunity from civil or criminal liability. And, the backers of the bill would have the Legislature declare an emergency so that these extraordinary provisions would become effective immediately.

The Committee now is considering amendments to this bill that conceal its purpose. Although the bill's sponsors are asking the Legislature to declare an emergency (purportedly because of some immediate danger to public health), they have avoided giving the Oregon Health Authority any role in creating or supervising this new class of facility. Instead, the bill's sponsors would have private lock-up facilities inspected and supervised by their owners, who would be responsible to no one.



Peter Carini



William Francis