



SB 525 Testimony
Kevin Starrett

The proponents of this legislation have repeatedly stated that it is needed because Oregon law enforcement agents lack the authority to enforce Federal law.

Commissioner Dan Saltzman, Judges Don Letourneau, Maureen McKnight and Katherine Tennyson, along with Sybil Hebb of Oregon Law Center, Walter Beglau (Marion County DA) Senator Monnes Anderson, and others all made this assertion.

This is simply false.

Our Supreme Court has made this clear. In Willis-V-Winters they said: "The federal act makes such possession illegal, the sheriffs generally are authorized to enforce federal as well as state law, and no state law prohibits the sheriffs from taking such enforcement actions." (Emphasis added.)

Oregon Statute 133.310 describes the authority of peace officers to make arrest without warrant. Included in this authority is the ability to arrest for:

- (a) A felony.
- (b) A misdemeanor.
- (c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater than the maximum penalty allowed for a Class C misdemeanor.
- (d) Any other crime committed in the officer's presence. (Emphasis added.)

There are no restrictions limiting a peace officer to arrest only for offenses against Oregon law.