

Verbatim Transcript
6-2-15 Senate Committee on Judiciary
Linn County Commissioner Roger Nyquist
Testimony on House Bill 2313

Commissioner Nyquist: Mr. Chairman, Senators, thank you for the opportunity. For the record, my name is Roger Nyquist I'm a Linn County Commissioner and representing Linn County before you this morning. I'd like to just briefly tell you a little bit about how we got to this point. In January of 2014 – Principal Osborne – the Principal of West Albany High School expressed to me that she had a rough morning; she spent most of the morning dealing with students who were under the influence of marijuana and indicated that she needed help. Linn County is a little bit unique to many others in how we run our Juvenile Department; we actually have Juvenile Counselors in our high schools. We have had great results with that; we have been doing it about ten years. It makes sense; it's where the kids are. At any rate, I expressed to our Juvenile Director, Torri Lynn, who is here today, that the situation wasn't acceptable and that the Juvenile Department ought to be helping in this regard. To my shock, Torri told me that it's not against the law for young people to show up to school stoned, or anywhere else for that matter. Today, it's not against the law for kids to have marijuana in their system. It's been a problem in our community and communities around Oregon for years and it needs to be addressed. This was prior to Measure 92 happening and then that whole conversation happened and we were a bit surprised that it wasn't addressed in all of that conversation. So, we then engaged in a conversation with Representative Andy Olson and got this process rolling. This bill passed the House 60-0. We think it's good public policy. Our intent is to not be punitive with our youth; it's to get them the help they need as they begin to exhibit behavior that indicates their headed down the wrong path. If we can't get to them in their youth as soon as they exhibit these behaviors, the longer time goes, the less likely we are to be successful and we will deal with them on the other end as adults in the Correctional System. It's an important issue and an important bill and I thank you for the opportunity this morning.

Torri Lynn and Susan Osborne testified

Commissioner Nyquist: Mr. Chairman, just briefly, I talked with the District Attorney about minor in possession of alcohol by consumption; out of the 80 cases that were cited last year, he didn't prosecute one. And, so the other thing is, I would add that I have a personal objection to the -4's. Given the seriousness of this issue, given no other proposed action to address this issue, to just gut and stuff this issue just doesn't seem right.

Senator Prozanski: (as our group was walking back to their seats after testifying) I'll refrain from my comments.

Oregon Department of Corrections testified

Oregon Youth Authority testified

Oregon Criminal Defense Lawyers Association testified

Senator Prozanski: Before we close the Public Hearing, I am going to put a couple things on the record because this will be carried over to tomorrow and we will see whether or not it will be worked or not. For Roger Nyquist, your statement of it appears that marijuana is a gateway drug to crime – I don't know what statistics you're using but I've not seen anything that says it's a gateway to crime and if we don't address something at this point in their youth then they are going to become criminals. Regarding the issues of being under the influence – there is not active test at this point that I know of, that actually has an active under the influence except for potentially a blood test that's now being activated as compared to maybe being able to determine someone under the influence of alcohol. We do know that the studies and the responses shown that individuals that do in fact use marijuana could have trace amounts up to 30 days and at anytime during that period they may not be actively be under the influence but they do have trace elements. As the last panel stated one of the other concerns were the unintended consequences of having an offense, not a conviction of a crime. Federal funding can be impacted; housing can be impacted and driving status can also be impacted which could be pretty big unintended consequences for the issue that we are dealing with where it may not even be shown that someone was actively under the influence at the time that they are accused.

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