



## Vote YES on House Bill 2936-B

The Oregon Trial Lawyers Association supports HB 2936-B, a very good piece of compromise legislation. HB 2936-B promotes the use of sobering facilities as an alternative to incarceration for people who are publicly inebriated. This is humane, positive, cost-effective public policy. OTLA supports the bill because it has been improved to increase safety in these sobering facilities.

The bill was amended to strengthen the relationships between a sobering facility and entities with greater medical expertise. The bill now requires that sobering facilities have written protocols for patient treatment and processes such as admittance, discharge, and referrals to other facilities. The amended bill increases the accountability of sobering facilities to make sure they are following best practices and their own written policies.

### OTLA fully supports HB 2936-B and urges a YES vote.

The history on this bill is instructive:

Once again, the legislature was asked to consider reducing accountability and safety for Oregonians because an industry (in this case, sobering facilities) had trouble getting affordable liability insurance. Initial versions of the bill would have inadvertently provided broad immunity from responsibility for injuries caused by the sobering facility for the purpose of making insurance more available and affordable.

The proponents of the legislation deserve tremendous credit for recognizing that the sacrifice of Oregonians' safety and constitutional rights was not the best solution to their insurance problem. Instead they crafted legislation that largely preserves the rights of volunteers, caregivers, the general public, and others who come in contact with the sobering facility. Further, the bill allows three new sobering facilities to open, and then requires further legislative action to expand this type of service. If this model proves effective in keeping the publicly inebriated safe, and conserves public safety resources for better uses, then the potential exists for expansion. This go-slow approach serves all Oregonians well.

This bill was a difficult one for OTLA to support. One of our bedrock principles is that the Constitutional right to a trial by jury is sacrosanct. If an Oregonian is injured due to somebody else's negligence, then they deserve their day in court if they so choose. In this instance, we were willing to bend a little on this important principle because medical safeguards were built in and because of the phase-in of new facilities. Oregonians injured because of egregious actions can still hold sobering facilities accountable, but the standard that has to be met is higher than normal. We were willing to compromise because of the guidelines spelled out in the bill.

Injuries happen. Earlier this year, there was a tragic death from a drug overdose in a Central Oregon jail. The guards appear to have been insufficiently monitoring the health of the inmate. The grieving family deserves accountability for the loss of their loved one. HB 2936-B insures that there will be accountability for grossly negligent actions by a sobering facility, but also creates the opportunity for good actors in this field to carry out their important mission.

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