



**Testimony of Kimberly McCullough, Legislative Director  
Regarding HB 4014  
Joint Committee on Marijuana Legalization  
February 2, 2016**

Chair Burdick, Chair Lininger, and Members of the Committee,

Please consider the ACLU of Oregon's comment on two portions of HB 4014:

**Criminal penalties:**

We are pleased to see several criminal penalty reductions in HB 4014, and appreciate the thoughtfulness in particular of reducing some existing Class A felonies to lesser crimes. Class A felonies are particularly harsh not only because they lead to longer sentences, but also because they are non-expungeable offenses. Because of their severe nature and unavailability of expungement, Class A felonies should be reserved for the worst-of-the-worst conduct. Marijuana crimes simply do not fit within that category. For this reason, we are grateful to see some Class A felony reductions to lesser crimes in HB 4014.

On the other hand, we are disappointed to see that several criminal penalties have increased, specifically in relation to unlicensed extracts. We do understand that the manufacture of unlicensed extracts presents a particular safety risk. For that reason, we understand that it may make sense for manufacture (and possibly sale) of unlicensed extracts to have a higher penalty than other types of manufacture. At the same time, we believe that the trend in criminal penalties related to marijuana should be on a downward trajectory, so that such penalties are eventually equivalent to analogous penalties applicable to alcohol. For this reason, we would prefer that the legislature refrain from increasing the penalty for manufacture, sale and possession of unlicensed extracts. This is particularly true in the case of unlawful possession of unlicensed extracts, as mere possession does not present the safety risks associated with manufacture.

**Use of medical marijuana by parolees and probationers:**

We are particularly supportive of the portion of HB 4014 which will allow medical patients who are also parolees and probationers to access the medicine that they need without risk of reincarceration. It is terribly unjust that many parolees and probationers are currently deprived of the ability to use this one type of *legal* medicine, when no other type of medicine is similarly restricted. This is particularly unjust because many parolees and probationers would prefer to use medical marijuana as an alternative to other types of medicine—like opiate pain medication—which is much more dangerous and addictive. Rather than forcing parolees and probationers to choose between incarceration and the medicine that their doctor has agreed they need, we should leave this personal decision where it belongs: between the doctor and patient.

Thank you for your time and consideration. Please feel free to contact me if you have any questions, comments, or concerns at [kmccullough@aclu-or.org](mailto:kmccullough@aclu-or.org).