



## LINN COUNTY DISTRICT ATTORNEY

County Courthouse, Fourth & Broadalbin Streets  
Post Office Box 100, Albany, Oregon 97321  
Telephone (541) 967-3836 • FAX (541) 928-3501

DOUG MARTEENY  
District Attorney

CRIMINAL DEPUTIES  
JONATHAN CROW  
GEORGE EDER  
ANI YARDUMIAN

JULIA BAKER  
COLEEN E. CERDA  
SARAH FERGUSON  
RYAN LUCKE  
ALEX OLENICK  
KEITH B. STEIN  
RICHARD WIJERS  
MICHAEL B. WYNHAUSEN

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Victim Services  
541-967-3805

March 6, 2017

To: Honorable Jeff Barker, Chair  
Members of the House Judiciary Committee

From: Doug Marteeny, Linn County District Attorney

RE: HB 2355 – opposition to the reduction of PCS to a misdemeanor

House Bill 2355 (2017) proposes reclassifying unlawful possession of a controlled substance (PCS) from a felony to a misdemeanor. This change affects all controlled substances including methamphetamine, heroin, cocaine, LSD and other opioids and, as currently written, in significant amounts. **I strongly oppose such a change.**

Our state and our nation are governed by sets of laws designed to inform citizens of our expectations for conduct. They are the foundation of a safe and productive society. Our criminal code reflects the behavior that society deems so inappropriate that engaging in the conduct may result in the loss of liberties. Behavior designated as a felony represents conduct that often results in exceptional harm to oneself or others.

Unquestionably, the use of controlled substances such as methamphetamine, heroin and others affected by HB 2355 result in exceptional harm to oneself and others. They therefore should remain felonies.

**To change the classification of this behavior from a felony to a misdemeanor is tantamount to telling our schoolchildren that tomorrow it will be less dangerous to use methamphetamine than it is today. That tomorrow it will be less damaging to their families and friends if they start using heroin than it is today. That use and possession of methamphetamine is less morally repugnant tomorrow that we all deem it today. Is that the message we want to send our children?**

NO. We must be telling them that drug use is more insidious than ever. That drugs are more dangerous than ever. That drugs result in exceptional harm to oneself or others. Often both.

In 2016, over 600 Linn County citizens were prosecuted for using methamphetamine. Three times more than the next closest crime. Things are not getting better. They are getting worse.

Yes, this change may result in a few thousand individuals not facing some difficult collateral consequences. But in doing so, we'll be telling the remaining 4.2 million Oregonians that using drugs is less harmful tomorrow that it is today. It is simply not true. Just ask the families of those thousands of individuals addicted to drugs.

Please remove the change in classification of PCS from HB 2355 (2017).