

May 25, 2017

The Honorable Representative Jeff Barker  
House Committee on Judiciary, Members

RE: SB 357, Testimony in Support

Dear Chair Barker and Members of the Committee:

My name is Erica Rothman. I was involved in bringing this issue in front of Reps. Kotek and Frederick, and I remained involved after the bill was introduced. At that time, I worked for Metropolitan Public Defender in both Washington and Multnomah counties. There, I routinely represented people charged with Interfering with Public Transportation.

I observed the following during that time: on my case load and that of my colleagues, ORS 166.116(a) was charged far more often than the other subsections of 166.116. I also noticed that the majority of my clients charged with 166.116(a) were people of color, homeless, or were experiencing mental health or addiction issues. Many of my clients identified with more than one of those groups.

More troubling, many of those same clients had charges for 166.116(a) in more than one county at one time. As such, they were in severe danger of being in custody in one county while the court date for another county came and went. When this happened, the jail placed a hold on the person and sent them directly to jail in the second county. This could go on at length, at great cost to all involved. Critically, most jails will release people on their own recognizance for C misdemeanors, but not necessarily so for A misdemeanors. When someone is arrested and released in the first place, it makes the likelihood of being sent back and forth between counties significantly less.

Public transportation is an accessible means of transportation for all. Although it is in the public interest to ensure that public transportation is safe, making the crime of Trespass in the Second Degree into an A misdemeanor specifically for public transportation venues does not make sense. Hospitals, churches, and schools are not protected to the same degree, although they are arguably special venues with special concerns. We need not rely on agreements among prosecutors to reach this result. It's in your control to simply change the law to something the Portland Metro area District Attorneys recently agreed to do anyway.

I urge your yes vote.

Sincerely,

s/ Erica Rothman