

SB 357: Relating to interfering with public transportation

Several years ago, members of my community brought a serious issue to my attention—that many folks were being charged and convicted with a Class A misdemeanor for not paying public transit fare. Current statute makes Interfering with Public Transportation (IPT) a Class A misdemeanor, which is to be on transit property after being asked to leave. Similar behavior on any other property would be a Class C misdemeanor, with substantially lesser penalties. The other provisions regarding interfering with public transportation involve actual disruption of service.

SB 357-1 lowers “(a) Intentionally or knowingly enter[ing] or remain[ing] unlawfully in or on a public transit vehicle or public transit station;” from a Class A misdemeanor to a Class C, putting that behavior on equal footing with trespassing on any other property. However, after three convictions, it allows for prosecutors to seek a Class A charge.

IPT citations are often given to people experiencing homelessness or mental illness. We have further concerns that low-income riders and people of color have been targeted for conviction as well. Research commissioned by TriMet, the state’s largest transit district, found that the “elevated percentage of African American riders being excluded [from public transit] should be examined more closely.” Because TriMet spans three counties, people using transit property seeking shelter may acquire citations in multiple jurisdictions, leading to missed court dates they have no way to get to, and little hope of paying the fines prescribed. This system disproportionately affects those with low incomes, shelter and transportation challenges and/or mental illness. They take up jail space for violations that ought to be probation-level.

In January, DAs from Multnomah, Washington and Clackamas Counties signed a letter where they determined that “using Class C Misdemeanor charges to address chronic fare evasion offenders on Tri-Met balances Tri-Met’s need to maintain order on its system, while simultaneously equating the level of harm

with the appropriate charge in the criminal justice system.” The DAs recognized the over-punitive nature of subsection A of the IPT for fare evaders. What I hope to accomplish with SB 357-1 is to put in statute their concerns and the concerns of my community—that a Class A misdemeanor is far too punitive for simple fare evasion. The -1 amendment preserves the use of the Subsection A of the IPT for chronic evaders, but dismantles a system of routine and unfair convictions for our most vulnerable.

I ask you to pay close attention to the others gathered here today to learn how the use of a Class A misdemeanor for fare evasion has negatively impacted our communities.

Thank you!