

Date: February 13, 2017

**To: The Honorable Jeff Barker, Chair
House Committee on Judiciary**

**Presented by
Jeff Samuels, Captain
Oregon State Police Fish and Wildlife Division
Testimony on House Bill 2324**

Good afternoon Chair Barker and Committee members. For the record my name is Jeff Samuels and I am the Captain/Division Director of the Oregon State Police Fish and Wildlife Division. The Oregon State Police (Department) supports and offers the following comments on House Bill 2324.

A little background - The Oregon State Police Fish and Wildlife Division has 120 sworn members located strategically across the state. Division members are tasked with enforcing the fish, wildlife, and commercial fish laws in order to protect fish, wildlife and other natural resources for future generations. Division members are also responsible to protect habitats and the environment and provide rural law enforcement services.

House Bill 2324 is a bill introduced on behalf of the Oregon State Police to add Class A violation treatment to ORS 164.805 for offensive littering when committed without a culpable mental state. Currently, offenses of ORS 164.805 Offensive Littering are a Class C misdemeanor crime, punishable by a fine not to exceed \$1,250 and jail sentence up to 30 days.

Currently, when a law enforcement officer observes a person picnicking, say at a park or rest area, and then carelessly leave small amounts of trash behind such as napkins, plastic water bottles or fast food wrappers the officer has only two ways to deal with this offense – issue a criminal citation for offensive littering as a Class C misdemeanor or issue the person a warning. A Class C Misdemeanor charge in this example is often viewed by the person as too harsh an enforcement action and a warning may not be sufficient to correct the improper behavior for next time. Additionally, if this offense is criminally cited the District Attorney's Office has to take time to proceed with misdemeanor prosecution, reduce the offense to a violation as allowed under ORS 161.566 or decide not to prosecute the case at all.

HB 2324 will reduce time and expense in the criminal justice system for lesser littering offenses and provide law enforcement officers with another way to enforce minor offense littering when the offense is committed without a culpable mental state (Knowingly, Intentionally, Recklessly, or Criminal Negligence) by making it a Class A violation with a presumptive fine of \$435 issued similarly to a person like a speeding ticket. Offensive littering on a larger scale or with culpability can still remain a Class C misdemeanor for offenses such as the intentional dumping of a pickup load of household garbage.

The Department appreciates the opportunity to provide the Committee with these comments.

CONTACT: Captain Jeff Samuels, OSP Fish and Wildlife Division Director, (503) 934-0221