

SB 357 A STAFF MEASURE SUMMARY

Carrier: Sen. Frederick

Senate Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Reduces penalty to Class C misdemeanor for crime of interfering with public transportation when it involves trespassing on vehicle or station, unless person has three previous convictions for trespassing on public transportation vehicle or station.

ISSUES DISCUSSED:

- Disproportionate impact on low income riders, persons of color, persons experiencing homelessness and persons with mental illness
- TriMet research finds that elevated levels of exclusions for African-American riders should be examined more closely
- Letter signed by district attorneys in Clackamas, Multnomah and Washington counties recognizing overly punitive nature of Class A misdemeanor for fare evasion

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The Class A misdemeanor of interfering with public transportation (IPT) includes knowingly entering or remaining unlawfully in or on a public transit vehicle or station. By way of comparison, the Class C misdemeanor of criminal trespass in the second degree is committed if a person enters or remains in a motor vehicle or in or upon premises. In part, the crime of IPT operates to increase the severity of trespassing when it is committed on public transportation property. Similarly, conduct constituting IPT - fare evasion - could also be prosecuted as the Class C misdemeanor of theft in the third degree.

Senate Bill 357-A provides that this form of committing IPT is a Class C misdemeanor, unless the offender has at least three prior convictions for this form of IPT, in which case the offense is a Class A misdemeanor.