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# Law Offices of A. Carl Myers

February 23, 2018

The Honorable Chair Barker, Vice-Chair Olson and Vice-Chair Williamson  
HOUSE JUDICIARY COMMITTEE  
Oregon State Capitol  
Salem, OR 97310

RE: SB 1538

Dear Chair Barker, Vice-Chair Olson, Vice-Chair Williamson, and members of the  
Committee

My name is Carl Myers. I am the Presiding Municipal Court Judge for the Cities  
of Keizer and Jefferson. I appear today on behalf of the Oregon Municipal Judges  
Association and the Oregon Justice of the Peace Association for whom I serve as  
legislative consultant.

My colleagues at the local court level and I handle a significant portion of the  
cases involving possession, use or abuse of alcohol or cannabis by persons under the  
age of 21 years, but not younger than 18 years and subject to juvenile court jurisdiction.  
Currently, we are required to suspend the license of those defendants convicted of  
alcohol and marijuana use or possession. We find that mandatory suspension  
inappropriate in many such cases.

SB 1538A removes the mandatory suspension to make the suspension  
discretionary with the court. We believe that to be helpful in managing those cases.  
However, the bill (See page 15 of the A engrossed Bill, beginning on line 39) does not  
now allow the court to suspend a convicted person's license unless the offense involved  
the operation of a motor vehicle or the person was previously subject to a formal  
accountability agreement (FFA) out of a juvenile court for a same offense. It is important  
to recognize that Justice Courts and Municipal Courts will not know if the person has  
entered into an FFA as those are sealed juvenile records. So we are forced to deal with  
those cases as first-time convictions.

We support the proposed -11 amendment to SB 1538 because it will allow our  
courts to get better compliance for first time marijuana or alcohol users, particularly  
those persons being convicted for the first time and the offense does not involve use of

***Attorney and Counselor at Law***

1815 Commercial Street S.  
Salem, OR 97302-5203  
Telephone: (503) 399-9219  
Fax: (503) 315-1409

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a motor vehicle, which is the situation in many of our cases of this type. Without the threat of a license suspension many young people have no desire to go through any evaluation or treatment program.

I have attached a list of comments from our judges about the importance of retaining the ability to suspend licenses in all drug and alcohol cases involving 18, 19 and 20 year old offenders. We will not suspend in all cases. In most cases, just the threat of license suspension is sufficient to get the attention of the young person.

If you have any questions, please contact me.

Sincerely,

A. Carl Myers  
OMJA/OJPA  
Legislative Consultant

ACM/prm  
Attachment

SB 1538: Section 26 (3)

Allow judges to retain discretion to suspend driving privileges for ages 18-20 when convicted of MIP Marijuana or MIP Alcohol:

It is simple: It is illegal to use/possess alcohol or marijuana under 21.

By softening the law and lowering our standards, we are condoning the epidemic of drug and alcohol abuse.

This is a war we must fight starting with our youth...if judicial power to modify behavior is taken away, we are allowing the epidemic to get further out of hand.

Allow an impact on the first offense to prevent second offenses.

Change thinking and behavior about drugs and alcohol the first time a violation is committed.

It is our responsibility to teach young people the difference between right and wrong.

The consequence of suspending driving privileges works as a teaching tool.

There is a methamphetamine/heroin epidemic nationwide.

Many drug addicts will tell you the start of their drug use was smoking pot regularly at a young age, never dealing with real life problems while their brains were still developing

Many alcoholics will tell you they started drinking in their early teens.

Reinforce driving is a privilege.

The driver's license suspension makes a big impact on 18-20 year olds who are learning adult responsibilities.

DMV allows hardship licenses during the 90 day suspension period for a first offense.

Judges are a good source to guide 18-20 year olds into making good decisions.

Even if cited as a violator on foot, there will be a car close by:

Cars and substances do not mix. Personal injury and death often result.

Once substances are consumed, violators lose the ability to make good decisions and drive causing unintended results, or

Violators get into a car as a passenger with an intoxicated driver and become an unintended victim.

Eliminating the discretionary license suspension eliminates judges' ability to address underlying substance abuse issues on a case by case basis and reduces judges' teachable moments.

If the object is to effect change in behavior, the driving privilege suspension is by far the most effective tool to effect that change for 18 to 20 year olds.

Waiting until the 2nd or subsequent conviction is waiting too long to make a change.

Our counties are being buried alive in the consequences of rampant and nearly incurable substance abuse. Why would we not want to retain the most effective tool available for changing behavior in young adults—while we can?

If we cannot be effective at changing patterns of behavior upon the very first conviction, we are almost surely guaranteed more second offenses, more youth with continued substance abuse issues, and more chronic substance abusers.

If we are at all cognizant of the epidemic of substance abuse, the devastation it is causing, and the challenges and cost of trying to treat addictions after the fact, why would we not keep any means by which we could affect a level of prevention?