



**ROD UNDERHILL**, District Attorney for Multnomah County

1021 SW 4<sup>th</sup> Ave., 600 County Courthouse • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643  
www.mcda.us

March 10, 2019

Chairperson Jennifer Williamson  
House Judiciary Committee

Re: HB2959

Dear Chairperson Williamson and members of the House Judiciary Committee:

Please accept this letter as written testimony on behalf of the Oregon District Attorney's Association and Multnomah County District Attorney Rod Underhill. My name is Jeff Howes and I serve as the First Assistant to District Attorney Rod Underhill. I write in support of HB2959.

In September 2018, in the case of *State of Oregon v. Ryan Corcilius*, the Oregon Court of Appeals opined that the current language in ORS 164.805 did not capture the act of urinating or defecating upon the land of another, upon a public way, or upon a public transportation facility. Specifically, the Court of Appeals found that the act of urinating or defecating did not fall within the definitions of "discard" or "deposit." Further, the court found that the urine or feces left behind did not fall within the definitions of "rubbish, trash, garbage, debris or other refuse."

The bill amends ORS 164.805 to capture this activity by adding the words "discharge" and "human waste."

This bill seeks to neither compound the challenges faced by our houseless citizens, nor increase enforcement of minor nuisance activity. In Multnomah County, most offenders are offered the opportunity to resolve their Offensive Littering charges in Community Court – where they may access social services or perform a small amount of community service in exchange for dismissal of the charge. The statute (ORS 164.805) is broad and covers a wide range of activities (including commercial dumping, and wastewater disposal) that affect livability, sanitation, aesthetics, pest and vermin control, and pathogen vectors.

The Oregon District Attorneys Association and its members are eager to discuss this bill further, if requested to do so. To date, no such request has been made.

Respectfully submitted,

Jeffrey A. Howes  
First Assistant to the District Attorney