

MMC

Metropolitan Mayors' Consortium

March 12, 2019

Chair Jennifer Williamson
House Judiciary Committee

Re: Support for HB 2328

Mayor Denny Doyle
City of Beaverton

Mayor Brian Hodson
City of Canby

Mayor Jeffrey Dalin
City of Cornelius

Mayor Gery Schirado
City of Durham

Mayor Brian Cooper
City of Fairview

Mayor Peter Truax
City of Forest Grove

Mayor Shane Bemis
City of Gresham

Mayor Tom Ellis
City of Happy Valley

Mayor Steve Callaway
City of Hillsboro

Mayor Ken Gibson
City of King City

Mayor Kent Studebaker
City of Lake Oswego

Mayor Mark Hardie
City of Maywood Park

Mayor Mark Gamba
City of Milwaukie

Mayor Teri Lenahan
City of North Plains

Mayor Dan Holladay
City of Oregon City

Mayor Ted Wheeler
City of Portland

Mayor Walt Williams
City of Rivergrove

Mayor Keith Mays
City of Sherwood

Mayor Jason Snider
City of Tigard

Mayor Casey Ryan
City of Troutdale

Mayor Frank Bubenik
City of Tualatin

Mayor Anne McEnery-Ogle
City of Vancouver (ex officio)

Mayor Russ Axelrod
City of West Linn

Mayor Tim Knapp
City of Wilsonville

Mayor Scott Harden
City of Wood Village

Dear Chair Williamson and Members of the Committee,

The Metropolitan Mayors' Consortium (MMC) represents the mayors of twenty-five cities in the Portland Metro Area, collectively home to over 1.7 million Oregonians. The MMC writes to express its strong support for HB 2328.

Oregon has a serious car theft problem. The City of Portland currently ranks fifth nationwide among the top twenty cities with the most car theft, and the City of Gresham ranks eighth. This is a recent and dramatic development: between 2012 and 2017, vehicle thefts in Oregon increased by 53.51 percent, whereas nationally during the same time period, vehicle thefts only increased 10.74 percent. The problem is not limited to the Portland Metro Area—from 2012 to 2017, car theft in the Medford area increased 79.31 percent, and car theft in the Salem area increased 35.5 percent.

Car theft undermines the safety of communities across the state, and the victims of car theft are often some of the most vulnerable and low-income residents of our cities. All ten of the most stolen vehicle models are model year 2000 or older, and the owners of these older vehicles often only carry liability insurance coverage. Therefore, when their cars are stolen, insurance does not reimburse the owners any money to pay for the cost of a new vehicle. In some instances, the victims of car theft have their cars recovered, but end up losing their vehicle anyway because they cannot afford the hundreds of dollars in fees to get it released from impound.

The precipitous rise in car theft correlates to two Oregon Court of Appeals cases—*State v. Shipe*, 264 Or. App. 391 (2014) and *State v. Korth*, 269 Or. App. 238 (2015)—that have all but crippled vehicle theft prosecutions in Oregon. The result of these cases is that the State must prove the defendant “knowingly” took possession of a stolen vehicle. Absent a clear admission or a confession by the suspect, it is nearly impossible to successfully prosecute a person for unauthorized use of a vehicle. These court decisions have had a direct bearing on the increase of vehicle theft and property crime across Oregon.

HB 2328 is designed to close this loophole. The bill amends the mental state from “knowingly” operating a vehicle without the owners’ consent to being “aware of and recklessly disregard[ing] a substantial and unjustifiable risk” of driving a vehicle without the owner’s consent. This simple language change allows Oregon’s criminal justice system to resume successful prosecution of auto theft cases. The policy contained in HB

2328 was negotiated with the Oregon Association Chiefs of Police, Oregon State Sheriffs' Association, Oregon District Attorneys Association, DOJ, ACLU and Oregon Criminal Defense Lawyers Association.

The MMC urges the House Judiciary Committee to pass HB 2328 so our criminal justice system can return to successfully prosecuting car thieves and get the state's car theft crisis under control. As mayors, we have a responsibility to better protect our residents from this serious crime, and we need your help.

Sincerely,

The Metropolitan Mayors' Consortium