



TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 24, 2021
RE: Support for HB 3115 – Homelessness and Public Space

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

My name is Mae Lee Browning and on behalf of OCDLA, I write in support of HB 3115.

The Oregon Criminal Defense Lawyers Association is a nonprofit professional association for experts, private investigators, and attorneys who represent Oregon’s children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon.

Our attorneys see many cases and represent people due to the criminalization of homelessness and poverty. HB 3115 codifies recent case law and gives guidance to local governments.

In *Martin v. City of Boise* (920 F.3d 584 (9th Cir. 2019)), the 9th Circuit ruled that homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives, or unless the law imposes “reasonable time, place and manner” restrictions on the regulated activities in public space. In *Blake v. City of Grants Pass*, Case No. 1:18-cv-01823-CL (D. Or. Jul. 22, 2020), following precedent of *Martin*, the court held that an ordinance that prohibits camping on all City property at all times, including taking measures to stay warm and dry, when a person has no place else to go, violates the Eighth Amendment.

HB 3115 proposes to affirm in state law key principles from these two guiding cases on homelessness and public space issues.

OCDLA urges your support for HB 3115. Thank you for the opportunity to provide this testimony.

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