



TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 3, 2022
RE: Opposition to HB 4142

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

My name is Mae Lee Browning and I am providing this testimony on behalf of OCDLA.

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.

HB 4142 will not protect hospital workers, will not have a deterrent effect, and would send more people to prison.

- Enhancing a misdemeanor Assault IV to a felony Assault III because the victim is a hospital worker will disproportionately affect people suffering from mental illness. We expect a majority of cases that will arise out of this subsection will be where someone is being placed on a commitment hold or is in the emergency room for a mental health crisis.
- The definition of "a person working in a hospital while the worker is performing official duties" includes those who do not provide medical services, such as security guards, who are often tasked with escorting mentally ill people out of the hospital when they refuse care.
- By enhancing the penalty, hospital workers will not be any safer. People who would be charged under this section would not know about this change in the law. Even if they knew about the change in the law, they would not be deterred by it because these people would more than likely be suffering a mental health crisis.
- HB 4142 would have the effect of sending more people to prison and will punish more harshly those who are already struggling.
- HB 4142 is another way to criminalize mental illness.
