

Thursday, February 2, 2023

**Written Testimony of Rob Bovett
before the
Senate Judiciary Committee
in Support of Senate Bill 326**

Dear Chair Prozanski, Vice-Chair Thatcher, and Senators Gelser Blouin, Linthicum, and Manning,

For the record I'm Rob Bovett. I've been involved with drug policy at local, state, national, and international levels for a few decades, with a particular emphasis on evidence-informed prevention, enforcement, treatment and recovery support, as well as harm reduction, both individual and community.

My career has focused heavily on creating and implementing programs in our justice system to divert people suffering from addiction and/or mental health issues. Think drug courts, HOPE, mental health courts, veteran's courts, and justice reinvestment. I continue that work through my role as Vice-Chair of our Criminal Justice Commission (CJC).

I'm also a member of the Stanford Network on Addiction Policy (SNAP). We are a group of drug policy folks that focus on evidence-informed solutions to drug policy challenges. I also teach drug policy at Lewis & Clark Law School, most recently Cannabis Law & Policy.

As the Committee is aware, illicit cannabis production by Drug Trafficking Organizations (DTOs), many international in scope, took off in Southern Oregon some years ago, causing much harm to our communities, the environment, water resources, and victims of labor trafficking and violence. Other witnesses may address those issues in their testimony on this bill. Suffice to say the problem has metastasized to other parts of Oregon.

The legislature responded through substantive legislation, funding for enforcement, water masters, and victim services, as well as 2021 House Bill 3000, which created a Task Force to study the issue and make recommendations. I was appointed by the Governor to represent counties on the Task Force, having served as a county lawyer for the past 30 years. I had the privilege of serving on a number of Task Force Subcommittees, chaired the Funding Subcommittee, and served as primary scrivener for many of the Task Force bills.

The Task Force has concluded its work, issued a report, and submitted a number of bills this session as part of those recommendations. The following are a list of those bills:

- Senate Bill 326: The main bill from the Law Enforcement and Water Subcommittees of the Task Force and the subject of today's hearing.
- Senate Bill 766 and House Bill 3048: Another bill from the Task Force designed to clean up the current CJC grant statute and conform it to the most recent legislative activities.
- House Bill 3049: The main bill from the Cannabinoids Subcommittee of the Task Force.
- Yet to be printed: A separate bill from the Law Enforcement Subcommittee of the Task Force to clean up our search warrant statutes and provide for multi-jurisdictional warrants for interrelated conduct, such as that of larger DTOs with multiple sites in multiple counties.
- Yet to be printed: A separate bill from the Task Force - a 5000 series bill - to provide funding in accordance with the recommendations of the Task Force.

As noted above, today's hearing is about Senate Bill 326, the main Task Force bill and the first Task Force bill to receive a hearing this session.

The primary purpose of my testimony today is to provide the Committee with a brief section-by-section explanation of the bill:

- **Sections 1 and 2** require an owner of property where an illicit cannabis grow is located to clean up the waste from that grow once the owner has been notified by law enforcement of the illicit grow. If the property owner fails to do so it is deemed a nuisance that can be abated by local government, who may place a lien on the property for the cleanup costs.
- **Section 3** prohibits the use of water for an illicit large cannabis grow - in other words, large cannabis grows that are not licensed or registered as allowed under Oregon law. The section would give Water Resources the ability to impose civil penalties for a violation, or seek prosecution, or both.
- **Sections 4, 5 and 6** would allow the use of mobile tracking devices, pen registers, and interception of oral communications in relation to felony cannabis crimes in the same manner as other felony drug crimes. This would fix an inadvertent error in a Measure 91 implementation bill that removed all cannabis offenses from those statutes. It should have left the felonies in place.
- **Sections 7 to 11** increase penalties for certain cannabis offenses typically committed by these large DTO operations, including offenses involving large quantities of illicit cannabis, as well as those involving various aspects of environmental damage or labor trafficking.
- **Sections 11 and 12** are conforming amendments for Section 3.
- **Section 13** preserves the general illicit cannabis grow prohibition that will otherwise sunset. Unfortunately, the problems described above have not yet dissipated.
- **Sections 14 and 15** are the applicability and emergency clause provisions.

I urge you to support Senate Bill 326 - and the other HB 3000 Task Force bills listed above - and pass SB 326 out of Committee with a Do Pass recommendation.

Sincerely,

Rob Bovett
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