

March 15, 2023

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Judiciary Committee, for the record, my name is Kevin Jacoby, and I'm an attorney in Portland specializing in cannabis law and regulation. I make these comments on my own behalf and not on behalf of my employer or any of my clients.

I'm offering this testimony in opposition to SB 954 for the following reasons:

- The bill would allow prosecutors and judges to override local enforcement priorities outside of their own jurisdiction and removes any political accountability. When a prosecutor and judge in Harney County overreaches by authorizing, for example, an unconstitutionally overbroad search warrant to be executed in Marion County, the people of Marion County have no recourse at the ballot box to correct it. This is fundamentally opposed to the idea of local control, home rule, and self-governance.
- The bill does not prohibit "judge-shopping", and would allow law enforcement who have been denied a search warrant in one jurisdiction to seek the same warrant in another jurisdiction.
- This bill came through the HB 3000 task force, which was organized to consider the regulation of artificially derived cannabinoids and how to combat illegal cannabis grows. Yet SB 954 is not targeted to either of those priorities – it is a wide-ranging change to how search warrants are authorized for any investigation.
- It is also worth noting that the HB 3000 task force did not include any representatives of the criminal defense bar or the public defenders of this state. I am concerned that a general law expanding the reach of judges and prosecutors beyond their politically accountable jurisdictions is being slipped under the guise of only applying to illegal cannabis, which is not accurate. The views of our public defenders should be solicited before considering this sweeping measure.
- I am concerned that this sweeping expansion of local prosecutorial power can be weaponized against the struggling legal marijuana industry by local jurisdictions that are openly hostile to marijuana legalization. The people of Oregon have repeatedly stated at the ballot box that they want an end to the War on Drugs – this is yet another step in the wrong direction.

Thank you for your time and attention to this matter.