

Submitter: Joshua Marquis

On Behalf Of: retired District Attorney and Pro Tem Judge

Committee: Joint Committee On Addiction and Community Safety Response

Measure: HB4002

Oregon is proud of its experiments USING the initiative process. I am old enough to have participated in almost all of them - Land use laws that made beaches public property, a bottle bill to encourage RETURNS for deposits, twice voters re-established capital punishment, and twice established tougher truth in sentencing laws for the most violent felons. It is telling that while most of the "experiments" were adopted by other states, no jurisdiction is copying Measure 110.

The reason nobody is copying Measure 110 is that by every possible standard it is a disaster. Nobody - anywhere in the nation or the world - is emulating MEASURE110.

In fact the only small nation that has something that is only vaguely similar (Portugal) has has much deeper conversations than Oregon about going back to a more substantive model of drug enforcement, and they have yet to feel the last of fentanyl and methamphetamine

At the "invitation only" hearings this committee has held to date whole new rafts of bureaucratic language has been invented, yet it is clear that the defense by my fellow Democrats is little more than blind and stubborn allegiance to a really terrible idea that is killing people, at levels we have not before seen.

We did not just "decriminalize" drugs in 2020. We effectively legalized every drug imaginable. Deadly substances like fentanyl, xylene (an animal sedative) and carentenil (an even more powerful version of fentanyl used to sedate elephants) were not on anyone's "list" during the M 110 campaign, yet THOSE are the drugs killing your constituents and their children. Law enforcement has been totally neutered and there are no local drug teams operating anywhere in Oregon, despite the scourge of fentanyl.

Almost all of us have a family member who is, or has been addicted to a powerful substance, whether it is alcohol, meth, or heroin. We know that trying to get someone weaned off an addiction is never an easy or casual task. Yet the "roadblocks" that the existing law claims - or the extremely weak proposal in HB 4002 thus far revealed - will do next to nothing to dissuade addicts from physically addictive drugs and then making the difficult transition to sobriety.

After first making PUBLIC USE of heroin and meth a Class E sub-criminal "violation" , which is essentially unenforceable (the alternative that nobody used was a hotline that ended up costing taxpayers \$7000 per call) the proposal in HB 4002 is so

convoluted, so devoid of any real sanction, that is extremely unlikely that cops, prosecutors and judges will bother to use the law, and accordingly virtually no addict will be dissuaded from a life of addiction.

Even in the late 80s when DA's offices were fully funded, I know of NO office that was filing criminal complaints for "Class C misdemeanor" crimes "Sexual Misconduct (163.445) or Simulating Legal Process (ORS 162.355) or Unlawfully Transporting Metal Property (ORS 164. 857).

Yet the new law is even worse. Absolutely no fines, assessments or costs can be ordered by a judge, regardless of the drug user's financial circumstance — while Oregonians pay hundreds of millions annually for public defenders. And to make sure no one ever hears of these, the "crimes" are automatically self-expunging..

In short, we ask absolutely nothing of addicts - something that all of our collective "lived experience" tells us will not work. . We will throw MORE MILLIONS TO non-accountable "non profits" run by people with "lived experience" in drug addiction.

Oregonians need to admit a massive mistake was made. Polls already show that two-thirds of voters accept that about Measure 110.

Both parties need to admit that the ever more lenient policies of the last decade and failed and that "fixing" a fundamentally rotten law is not the answer.

REPEAL is the answer and if the legislature is unwilling to make that call, simply refer it back to the voters.

Joshua Marquis
retired District Attorney, Astoria 1994-2018