

TO: Joint Committee on Addiction on Community Safety Response
FROM: Paul Loney
DATE: February 7, 2024
RE: Oppose M110 Recriminalization Bills: HB 4002, HB 4036, SB 1555

Chair Lieber and Chair Kropf and Members of the Committee:

I am a criminal defense attorney and I would like to state my strong opposition to HB 4002, HB 4036, and SB 1555. I have been practicing criminal defense all over the State of Oregon for over 30 years. As a criminal defense lawyer, I ask you to reject the recriminalization approach and look for more meaningful solutions that will put behavioral health services before law enforcement and the criminal justice system. HB 4002 punishes individuals for the state's failure to adequately fund treatment services. As new addiction services are finally starting to open up and crime rates post-pandemic are dropping, the legislature should focus on solutions that let mental health and drug treatment professionals help people who need and want treatment, instead of implementing controversial policies that disproportionately harm people of color and the houseless.

Return to failed War on Drugs

Recriminalization would return Oregon to the failed and harmful policies of the War on Drugs. Government has attempted to arrest our way out of this crisis for over 50 years, but it resulted in higher addiction rates, lethal and less expensive drugs on our streets, more overdose deaths, mass incarceration and disproportionate harm to Black, Brown, and low-income communities. Recriminalizing addiction will make it more difficult and expensive to address drug addiction and homelessness. Recriminalizing addiction funnels more money to law enforcement and District Attorneys, which takes money away from treatment. It will increase the risk of overdose, disrupt current treatment investments, and once again, saddle people with criminal records that can create lifelong barriers to housing, employment, education, and other services.

In all of the years I've practiced criminal defense, Oregon has never fully funded substance abuse treatment programs. I have lost count of the number of clients who wanted treatment but treatment beds were not available. We have let down our fellow citizens. Oregon needs to increase funding of substance abuse and mental health treatment programs – two proven methods to decrease substance abuse and crime.

Impact on public defense system

The recriminalization bills would increase the number of misdemeanor cases in Oregon at a time when the public defense system is in crisis and we are seeing high rates of attrition. We have a shortage of lawyers available to take on the existing cases. HB 4002 could bring thousands of new people into the criminal legal system. This bill will make a bad situation even worse.

Option 3: Return to Boyd deliveries

Returning to Boyd deliveries will do nothing to stop the substance abuse issues Oregon faces. It will simply direct limited taxpayer funds away from treatment to jails and prisons, while increasing the number of jury trials and their associated costs.

Sincerely,

Paul Loney