

**TO: Joint Committee on Addiction on Community Safety Response**  
**FROM: Ryan Scott**  
**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:

My name is Ryan Scott. I have been a criminal defense attorney for 29 years, and for many years while I was at the public defender's office in Portland, I specialized in drug cases.

I oppose HB 4036 and SB 1555 and HB 4002.

I specifically want to address the return of *Boyd* deliveries. This bill would eliminate the distinction between attempted deliveries and completed deliveries, something we do not do for attempted rape, attempted assault or attempted murder.

You may think the typical *Boyd* situation is someone who is caught with fifty or a hundred grams of meth or heroin, and I agree that such defendants should be treated more harshly. But the typical case is actually someone caught with two, three or four grams of methamphetamine, who doesn't admit to being a drug dealer, but who the arresting officer, based on his training and experience, inferred the intent to deliver the drugs. I've had cases where officers based this conclusion on the possession of drug records, even when the drug records – three initials with a bunch of numbers underneath – were actually dart scores. Or officers based their conclusion on the fact that the person had a couple of hundred dollars in cash, even though low income people, especially people who use drugs, are more likely to carry cash, a fact well established by social scientists.

Moreover, drug records and \$300 cash are both factors that can be used to enhance a delivery conviction from probation to prison, even if the cash has literally nothing to do with the drugs.

In sum, casting the net this broadly will not only result in people who use drugs being wrongly arrested and convicted as drug sellers, but the arrest and conviction will interfere with their ability to access treatment and obtain jobs and stable housing.

Thank you,

Ryan Scott