

Testimony on HB 4036

Co-Chairs Kropf and Lieber and members of the committee, for the record, I am Rick Lewis, State Representative for House District 18.

Due to the 2 minute time limit imposed for oral testimony during the public hearing, I am submitting my full testimony in writing as follows:

I am here to testify in strong support of HB 4036. This bill is an omnibus bill and contains a number of key provisions that are important to have on the record. It provides a level of accountability for drug possession that was taken away by the passage of M 110, while also providing off-ramps that would encourage those struggling with addiction to seek treatment as opposed to enabling services and actually get clean and drug free once again. Drug addiction is not a victimless problem. It takes its toll on the user, his or her family, first responders, the business community and livability and public safety in our communities.

HB 4036 also increases the penalty for delivery of controlled substances to ensure that drug dealers who prey on our children and our most vulnerable population are held accountable. It enhances the penalty for dealing drugs that result in the death of an individual by ensuring they receive a term in prison. It is our belief that Oregon needs to stop being a State where drug dealers feel free to operate. We have seen the results of decriminalization of hard core, life-consuming drugs like Meth, fentanyl and heroin.

We propose recriminalizing possession of controlled substances that were relegated to E-violation status in M 110 to a Class A Misdemeanor. A Class A Misdemeanor is the same level of crime as a drunk driving charge. Our goal is to actually get people in the door for treatment. Like a drunk driving first offense, the bill would open the door for an individual to get into a diversion program with a treatment component. If successfully completed, it allows the court to dismiss the criminal charge and expunge the record. Remember, the goal is to get people clean and off drugs with all of the benefits that brings to the addicted, to their families, to public safety and to our communities.

If our goal is to get people into treatment and off drugs, then we should do what is needed to incentivize the addicted to take that step. It isn't easy to overcome the desire to continue using drugs. We know about the failure of the E Violation and E-ticket approach in trying to solve a drug crisis in our state. It has been proposed that we move possession of heroin, meth and other drugs to a Class C Misdemeanor. If we look at the dismal success rate in getting people to opt into treatment for an E violation, we can expect no different outcome with a Class C Misdemeanor. C Misdemeanors are a cite and release offense. Offenders don't serve time in jail on a C Misdemeanor unless it is accompanied by other more serious charges. I won't dwell on the difference between an A and a C Misdemeanor since you have already heard the concerns from the DA's and law enforcement in your committee, except to say that if we want to take steps that will have some level of positive impact on getting people into treatment,

which should be our stated goal, the incentive created by a low-level Class C Misdemeanor isn't going to accomplish that goal.

HB 4036 creates a crime of purchasing, possessing, making, delivering or selling a pill press. The bill addresses the Boyd/Hubbell issue by providing that possession of a controlled substance with intent to deliver constitutes delivery of a controlled substance. It also creates the crime for public use of controlled substances and use in an enclosed space that endangers the safety of others.

The bill establishes a process whereby the court can allow a diversion program for certain drug offenses and set aside the conviction – again, similar to Class A Misdemeanor drunk driving cases. It establishes an evaluation and treatment component. It emphasizes the use and availability of specialty courts and sets forth Legislative intent to fully fund those courts as an integral component to the success of our efforts to resolve the drug crisis and get people on a path to recovery.

The bill establishes the Opioid Overdose Rapid Response Grant Program and appropriates funding to the CJC for the program. It directs the Alcohol & Drug Policy Commission to take over grants and funding for drug treatment and related services, with an emphasis on treatment, transferring those duties from the Oversight & Accountability Council.

The bill increases the length of time an individual can be held when under the influence of alcohol or controlled substances from 48 to 72 hours. I'm told some states allow a much longer period in order to get people started on a treatment regimen.

Finally, HB 4036 authorizes the issuance of lottery bonds to local governments for treatment facility infrastructure. We have all heard about the need for more treatment facilities. HB 4036 would provide assistance at the county level in that regard.

That is a brief summary of what is in the bill. Thank you for the opportunity to testify in support of HB 4036.

Rick Lewis

State Representative

House District 18