



February 8, 2024

House Judiciary  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Opposition of HB 4156**

Dear Chair Kropf, Vice-Chairs Andersen and Wallan, and Members of the Committee:

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide.

**While the ACLU of Oregon appreciates lawmakers' intent in drafting House Bill 4156, we oppose HB 4156 as written.** The ACLU of Oregon's primary concerns around this bill center on its impacts on juveniles and youth. We share OCDLA's concern that child and youth usage of social media could easily be construed as unwanted contact under this expanded definition. We would suggest narrowing the language to mitigate this risk.

We further share OCDLA's alarm regarding the grave consequences of a civil stalking order upon the life of a juvenile. These orders are publicly available and issued for an indefinite period of time. Our juvenile justice system is built on the fact children are less responsible—and less blameworthy than adults—and that they have greater capacity to change. We owe it to juveniles to provide them the opportunity to do so. As this bill greatly expands the potential application of a stalking order which would impose unique burdens for a juvenile's life and future, we share OCDLA's recommendation that juvenile defendants be entitled to counsel for these civil proceedings.

Furthermore, any expansion of what constitutes criminal conduct or the severity of that criminal must account for the ongoing Constitutional crisis in Oregon. In expanding the conduct that qualifies as stalking, this bill does expand the number of individuals who will be entitled to the right to counsel under the 6th Amendment and may be eligible for public defenders. By categorizing this criminal offense as a Class B rather than a Class C felony, these criminal cases will require defense attorneys with major felonies qualification, not simply minor felonies.<sup>1</sup> This added pressure to the caseloads of a smaller number of qualified attorneys will further compound Oregon's 6th Amendment crisis.

We urge you to narrow this bill to reduce unintended impacts on young Oregonians and to create procedural protections for juvenile defendants in civil stalking proceedings.

Respectfully,  
Emily Hawley  
ACLU of Oregon

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<sup>1</sup> Public Defense Services Commission, "Public Defense Services Commission Qualification Standards for Court-Appointed Counsel to Represent Financially Eligible Persons At State Expense", December 19, 2019.