

February 13, 2024

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

**RE: Testimony in Opposition of SB 1553 -1**

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee;

Thank you for the opportunity to provide testimony on behalf of the undersigned organizations.

**Our organizations share lawmakers' and Oregonians' concern that we ensure safe and accessible public transport in our communities. As drafted, however, Senate Bill 1553 -1 constitutes an ineffective, inhumane, disproportionate, and unnecessary approach to Oregonians using drugs on transit or at transit stations.**

The criminal justice system is not an appropriate or effective means to deal with community members struggling with addiction. For any creation of an offense that is, at its core, the criminalization of addiction, lawmakers should consider that the “deterrent” impact of criminalization is likely minimal when someone is using a substance to avert devastating symptoms of withdrawal. Lawmakers should further consider that drug-related incarceration is linked to surges in overdose rates, higher rates of suicide, and the spread of disease, like HIV and hepatitis C.<sup>1</sup>

If lawmakers are going to move forward with criminalization of use on public transport and public transit stations, this policy should incorporate the “step-downs” or “offroads” envisioned in other draft Oregon drug policy, offering individuals being punished for their addiction options for deflection and diversion.

Our coalition shares the concerns outlined by the director of the Metropolitan Public Defender’s Office during the February 12th hearing: The penalties under SB 1553 -1 may not be proportional to the offense committed, a violation of Oregon’s Constitution.<sup>2</sup> As drafted, the bill equates drug consumption on a sidewalk next to a bus sign with drug use in an enclosed space, like a public bus, and would penalize this

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<sup>1</sup> Gan, Kinner, Nichols, et. al., “Risk of overdose-related death for people with a history of incarceration”, Society for the Study of Addiction, Oct. 13, 2020, <https://onlinelibrary.wiley.com/doi/full/10.1111/add.15293>;  
Hartung, McCracken, Nguyen, et. al., “Fatal and nonfatal opioid overdose risk following release from prison”, Journal of Substance Use and Addiction Treatment, Volume 147, April 2023, [www.sciencedirect.com/science/article/abs/pii/S2949875923000218?via%3Dihub](http://www.sciencedirect.com/science/article/abs/pii/S2949875923000218?via%3Dihub);  
Fazel, Hawton, and Ramesh, "Suicide in prisons: an international study of prevalence and contributory factors", The Lancet: Psychiatry, December 2017, [www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(17\)30430-3/fulltext](http://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(17)30430-3/fulltext);  
Stone, Fraser, Lim, et al., “Incarceration history and risk of HIV and hepatitis C virus acquisition among people who inject drugs: a systematic review and meta-analysis”, The Lancet: Infectious Disease, December 2018, [www.ncbi.nlm.nih.gov/pmc/articles/PMC6280039/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6280039/).

<sup>2</sup> “[A]ll penalties shall be proportioned to the offense.” Oregon Constitution art. I, § 16.

conduct equally. Yet the stated harm of a person consuming a controlled substance on transportation—where it could cause alarm or fear during transit and delay transit—is quite distinct from purported harms of a person using drugs in the open air (or even under an awning) of a non-enclosed space. At minimum, the law should be narrowed to apply solely to the consumption of drugs while on public transit.

Finally, we would note that Oregon law already substantially criminalizes offensive conduct on public transportation while in or on a public transit vehicle or a public transit station. ORS 166.116 already prohibits activity that qualifies as “disorderly conduct” under ORS 166.025. This statute already criminalizes much of the behavior described in the February 12, 2024 testimony, including “threatening behavior” of an intoxicated person harassing or assaulting a fellow passenger. Oregon’s disorderly conduct statute also prohibits activity that “Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.” This language would seem to already encompass drug consumption when it is hazardous or physically offensive. Notably, much of the offensive conduct described during the February 12th hearing was not drug use and would be more appropriately classified as “disorderly conduct.” Thus, it would not be impacted by the changes proposed under SB 1553 -1.

**For these reasons, please do not pass SB 1553 -1 as drafted out of committee.**

Thank You.

