



February 26, 2024

Joint Committee on Addiction and Community Safety Response  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Opposition House Bill 4002-24**

Dear Chair Lieber, Chair Kropf, and members of the Committee,

My name is Grecia Rojas and I am the Development Associate at the American Civil Liberties Union of Oregon (ACLU of Oregon). Thank you for the opportunity to share testimony today as a representative from the 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 27,000 supporters statewide. **We strongly oppose House Bill 4002-24, which would recriminalize the health crisis of drug addiction and return the state of Oregon to the violent war on drugs.**

The ACLU of Oregon strongly opposes HB 4002-24 as it does not address or work to fix the systemic mishandling of the addiction crisis and it seems to only provide a door for the criminal system to once again target our most vulnerable community members.

If HB 4002-24 is passed as it stands, thousands of Oregon residents throughout the state will be immediately put at risk of being thrown in jail without access to proper legal defense and deflection programs. HB 4002-24 does not require every county to create deflection programs and police and prosecutors are not required to use them even if there were an abundance of these programs, which there currently is not. How can Oregonians be expected to believe that HB 4002-24 will not be a return to the war on drugs if the very language of the bill seems to indicate that there will be no effort on behalf of the legislature to ensure otherwise? By not requiring access to deflection programs across the state and requiring police and prosecutors to use them as the first course of action, you are giving these entities the authority to pick and choose who receives treatment and who will go to jail. As a result, people with money, connections, and racial privilege will be more likely to be entered into a deflection program and as history and data shows—it will be Black, brown, and low-income people who will be targeted and jailed at disproportionately higher rates.

The ACLU of Oregon, along with partner organizations, have expressed concerns about the lack of accountability measures in HB 4002-24 and we want to see the following measures added to the bill so as to mitigate as much harm and violence that recriminalization would bring:

- **Require Deflection:** Require all counties, police and prosecutors to create and engage in deflection and diversion pathways to treatment; it cannot be optional.
- **Planned Implementation Period:** The misdemeanor penalties do not take effect until every county has established a qualified deflection program that is accessible to all people in that county.

- Possession in Plain View: Define the misdemeanor to possession of a controlled substance in plain view. This provides tools to police while limiting their ability to harass Black, brown, low-income & disabled people.
- Sunset: Set an end date for possession in plain view as a criminal offense, at which time lawmakers can review intended and unintended consequences, impacts and costs and determine if the criminal offense should be continued.

Throughout this legislative session, we have repeatedly heard the words ‘difficult’ and ‘hard’ from representatives when we have asked them to stand and oppose recriminalizing drug addiction and mitigating harm to the community with accountability measures. However, many Oregonians understand intimately that suffering from drug addiction is hard, being unhoused is difficult, and living in fear of the police is hard. Across this state there are people who rise everyday and continue to fight for a better future for themselves and it is your decisions here in this room that will determine whether or not they are fighting these battles alone.

By passing House Bill 4002-24 as it stands, you will be setting Oregon on a path of further harm and walking back hope that there might finally be an end to the war on drugs. **The ACLU of Oregon urges your opposition for House Bill 4002-24 and asks you to add the accountability measures that would ensure that Measure 110 was not passed in vain.**

Respectfully,

**Grecia Rojas, Development Associate**

For more questions, please email Jessica Maravilla, Policy Director at [jmaravilla@aclu-or.org](mailto:jmaravilla@aclu-or.org)