



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

February 27, 2024

The Honorable Kate Lieber, Co-Chair
The Honorable Jason Kropf, Co-Chair
Joint Committee on Addiction and Community Safety Response
900 Court Street NE
Salem, OR 97301

Re: OJD Testimony on HB 4002 with -24 Amendment

Dear Co-Chair Lieber and Co-Chair Kropf:

We want to thank you for considering the comments we shared with you on behalf of the Oregon Judicial Department (OJD) regarding the January 29, 2024, working draft amendment to HB 4002. As you know, OJD does not take a position on the policy aspects of the bill, however, we do appreciate your commitment to ensuring that the bill is drafted in a way that will allow state courts to efficiently, and effectively, implement its provisions.

While the -24 amendment includes many changes to the original version, we wanted to highlight two changes that we think are particularly helpful. First, section 16 of the -24 amendment allows the Chief Justice to appoint a member of the Joint Task Force on Regional Behavioral Health Accountability. Courts sit at the intersection of the criminal justice and behavioral health systems and regularly work to solve challenges for individuals with behavioral health needs. Because of that role, we can offer a critical perspective on the gaps in our current system, resources needed to successfully divert people from the criminal justice system, and opportunities to strengthen the justice system response when that is a required response. Second, section 73 establishes an operative date for the drug enforcement misdemeanor and deflection provisions of September 1, 2024, instead of on passage. That change provides courts and justice system partners time to develop and prepare for the new processes required by the legislation.

As the legislature considers any final amendments to HB 4002, there is one adjustment that we think will further improve the bill. Namely, please include courts on the list of those who must be included in the development of deflection programs at the local level in section 76. Because section 36 provides that deflection programs can be implemented after a person is cited or arrested, it is especially important that courts be

involved in the development of deflection programs. Each community has a local citation-filing practice, and in many jurisdictions, courts receive a copy of the citation at the same time as the district attorney's office. Courts need to be involved to ensure that deflection processes are structured to give the courts the information they need to avoid creating dockets that include people who were successfully deflected, and to ensure that records are identified and sealed at the appropriate time. Sealing records is a complex process and requires collaboration with the Oregon State Police, district attorneys, and other stakeholders to ensure that local and statutory systems will generate effective outcomes for individuals across the state.

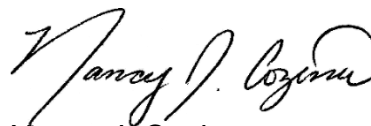
Finally, we want to applaud the legislature's commitment to adding treatment resources across the state. Every day, Oregon judges see individuals in dire need of treatment services that do not exist in their communities. During our visits to Oregon circuit courts, we hear from judges, staff, and community members about the extreme need for additional treatment services, both as a way to reduce reliance on the justice system, and to give those who are justice-involved more opportunity to find success and become productive members of their communities. The investments contemplated by the legislature through this bill are much needed and hold the promise of improved behavioral health and justice systems all across our state.

OJD will continue to be a productive partner in deliberations and in implementation. As part of that commitment, we will work with the Criminal Justice Commission in their data collection and analysis efforts, and work with the legislature to address any disparate impacts identified through that data-driven process.

Sincerely,



Meagan A. Flynn
Chief Justice



Nancy J. Cozine
State Court Administrator