DISABILITY RIGHTS OREGON

March 26, 2015

TO: Senator Floyd Prozanski, Chair
        Senate Judiciary Committee
FR: Bob Joondeph, Executive Director
RE: SB 740

Disability Rights Oregon (DRO) is Oregon's federally-funded *Protection and Advocacy* office that provides legal-based advocacy services to Oregonians with disabilities.

The purpose of SB 740 is to remove portions of ORS 133.515 that limit rights that are guaranteed under Title II of Americans with Disabilities Act (ADA). Title II of the ADA prohibits discrimination against people with disabilities in state and local government services, programs, and employment. Law enforcement agencies are covered because they are programs of State or local governments.

As the attached flier and Commonly Asked Questions sheet from the U.S. Department of Justice explain, the ADA requires that . . .
- Law enforcement agencies must provide the communication aids and services needed to communicate effectively with people who are deaf or hard of hearing, except when a particular aid or service would result in an undue burden or a fundamental change in the nature of the law enforcement services being provided.
- Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.
- Agencies cannot charge the person for the communication aids or services provided.

The problem with ORS 133.515(3)(a) and (b) is that it requires a person with a disability to either provide his or her own interpreter or demonstrate to a court's satisfaction that s/he is "without means" and "unable to obtain a qualified interpreter."

Since these provisions directly contradict the ADA requirement that public entities must provide effective communication aids and services without charge to the person with disability, they are unenforceable and can only cause confusion and misdirection to law enforcement and local governmental officials.

For these reasons, DRO asks the committee to move SB 740 to the Senate floor with a do-pass recommendation.

Thank you for the opportunity to submit this testimony.