



Testimony in Support of HB 4097

Submitted by Katherine McDowell on behalf of ACLU of Oregon

House Judiciary Committee

February 5, 2020

Chair Sanchez and Members of the Committee:

For many years, the ACLU of Oregon has raised concerns about transit fare enforcement policies and tactics, including their disparate impacts on people of color, low-income people and other historically marginalized communities. In 2017, the legislature began reforming Oregon's laws related to fare enforcement in mass transit districts through the passage of SB 357, partially decriminalizing fare evasion, and HB 2777, authorizing the creation of an administrative process to help people with transit citations avoid entanglement with the justice system. We commend the work of TriMet (Oregon's largest mass transit district) to implement this administrative process, and the thoughtful stakeholder process that informed their work. We are also grateful that TriMet has increased access to public transit passes for low-income individuals, seniors, and people with disabilities.

It is clear, however, that further reform is needed. This is highlighted by the traumatic fare inspection and arrest that one of our former clients, Ana del Rocío, experienced in 2018 and by ongoing problems in the system that continue to criminalize vulnerable Oregonians in the name of transit enforcement.

HB 4097 responds to this need by keeping law enforcement officers focused on public safety, not mass transit fare inspections and citations. Deploying law enforcement to conduct fare inspection stops without individualized reasonable suspicion raises serious constitutional concerns and diverts law enforcement resources away from legitimate public safety needs. For many people in our communities, contact with law enforcement can be intimidating, triggering anxiety and fear—particularly for communities of color, the houseless, individuals with mental health issues, and low-income people.

Passing this bill would not hinder law enforcement's ability to address unlawful conduct that is not fare-related. Subsection (2) of this bill expressly provides that police officers may continue to enforce laws unrelated to fare payment. The laws that police use now to keep the peace on mass transit will remain fully available if necessary.

For these reasons, we believe HB 4097 is an important and much-needed next step in the reform of transit fare enforcement policies. We urge your support.