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May Lee Browning
OCDLA Lobbyist
Via Email--mlbrowning@ocdla.org

TO WHOM IT MAY CONCERN

RE: Proposed Legislation – New Felony Crime Involving Medical Personnel as Victims

Dear Ms. Browning:

I write to bring to your attention my sincere objection to new legislation being proposed to make it a felony crime to assault a medical professional. My wife was an R.N. her whole working life, and I have many relatives in the nursing and medical profession. I am sympathetic to their difficult jobs in dealing with people in stress-full situations.

I was a prosecutor in Oregon for over forty years. For the past two years I was a Clackamas County CIDC defense attorney defending PAMIs (Person Accused of Mental Illness). These are people who the state seeks to commit involuntarily for 180 days to the Oregon Health Authority because they have a mental disorder, and are a danger to self, others, or unable to provide for their basic needs.

Many patients on police holds resist being forcibly placed in 4-point restraints, try to elope, and tussle with security officers, nurses, etc. The staff are used to these fight or flight responses in mental patients. The patients are often in Emergency Departments which are not staffed or physically equipped to deal with the mentally ill. Making a misdemeanor into a felony because of assaultive behavior by the mentally ill is not the right response to the dilemma. Not at all!

As others may have testified, this bill will disproportionately affect those suffering from mental illness. "Hospital worker" can include security guards, who are often tasked with escorting mentally ill people out of the hospital when they refuse care. This bill will have no deterrent effect and will not keep hospital workers any safer.

Mentally ill folks don't need more criminal charges, especially felonies. I know the legislature made aggravated harassment a crime for spitting on EMTs, Police, flaggers, etc. More "whack a mole" responses which punish mentally ill folks is counterproductive for a number of reasons. If convicted of a misdemeanor, an expunction can now be sought after two years. For a felony, it requires a five year wait. This means the barriers to housing, employment, and life after a crisis are multiplied.

In my experience, some jurisdictions proceed against the mentally ill with criminal charges for the same conduct for which they are civilly committed. That is what this law would facilitate. What foolishness. This is more of the same overreaction against mentally ill folks that has contributed to unhelpful government responses in my opinion. Please submit this letter in opposition to such ill-considered legislation.

Very truly yours,

/s/ **JOHNATHAN S HAUB**

Johnathan S. Haub

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