



February 12, 2024

To: Chair Kropf and Members of the House Judiciary Committee

From: Jennifer Knapp, Oregon Developmental Disabilities Coalition

RE: Oppose on HB 4088-2 without exemption to assault criteria for people who have intellectual or developmental disabilities

Chair Kropf and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 40 organizations across Oregon that promote quality services, equity and community integration for Oregonians with developmental disabilities (DD) and their families. Our members include a statewide coalition of people with DD, peer-based family support organizations, support services brokerages, advocacy organizations and DD providers.

As introduced, HB 4088 Section 6 included an exemption to the felony assault charge if a person has an intellectual or developmental disability (IDD). This important exemption was unfortunately removed in the -2 amendment. We believe it is critical to include the introduced exemption language for people with IDD. We cannot support the -2 amendments and therefore oppose this bill.

People thrive when they have the support they need to succeed. This looks different for every person. Many people with IDD have had traumatic medical experiences because they didn't have the support they needed to understand or communicate during a past medical event. Now, they need additional support to be successful during a hospital stay. That support is not always readily available, especially during Emergency Department visits when the person and their team may not have had the time to arrange for additional support or when the situation does not allow the time the person needs to understand the situation.

Everyone has a right to have a say in what happens to their bodies. People with IDD may need communication support to be involved in their care. Without this support, people may not feel their opinion matters in what is happening to their own bodies. When this happens, they may begin to communicate through behavior to make their wishes or fears known.

We want to be sure everyone is safe, which is why support to understand how a person with IDD communicates and processes information is key to this conversation – and why we strongly supported SB 1606 in 2020 to allow people with disabilities to have support while they are in the hospital. We have heard from people with DD, their families and also hospital staff how helpful it can be to have support staff at the hospital for a person with IDD.



Oregon DD
Coalition

Advancing Opportunities

For years, Oregon has recognized communities are better when people with IDD are supported to live and work alongside all other community members. Oregon has invested millions into Employment First initiatives to ensure people with IDD have community jobs. Oregon has restructured how people with IDD get support in their community so people with IDD can live as vibrant members of our communities. Charging a person with IDD with a felony under HB 4088-2 when they did not receive the disability related support they need not only punishes a person for having a disability, but makes it much harder for people with IDD to access employment and housing supports they need.

We believe the exemption for people with IDD is critical to this conversation.

Thank you.