



February 28, 2024

House Judiciary  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Opposition of SB 1553**

Dear Chair Kropf, Vice-Chair Andersen, and Members of the Committee;

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide.

**The ACLU of Oregon shares lawmakers and Oregonians' concern that we ensure safe, accessible, and thriving public transport in our communities. We oppose Senate Bill 1553 and would urge lawmakers to embed offramps to treatment as this bill will otherwise criminalize behavior associated with addiction.**

While there are distinct harms associated with drug use on public transit: it remains behavior inextricably associated with addiction. Even as lawmakers have made steps to reverse course on Oregon's decriminalization, we understand that the goal is "to get people into treatment and recovery and not jail."<sup>1</sup> And that lawmakers want to "treat this differently than we treat other crimes. And give people an offramp from being involved in the criminal justice system if they get engaged with local services."<sup>2</sup>

Unlike ongoing parallel efforts like HB 4002 -33, however, which would criminalize possession of drugs and thus similarly prohibit possession (and use) on public transit, SB 1553 does not build in any off ramps.

While the deflection and conditional discharge off ramps built into HB 4002 -33 are not perfect, there is little justification for their application to a possession offense and not to a use offense. Indeed, unlike the criminalization of possession (which is very likely to sweep up drug users who

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<sup>1</sup> Diane Lugo, Oregon lawmakers near vote on HB 4002 amendments, criminal penalties for drug possession, <https://www.statesmanjournal.com/story/news/2024/02/27/key-vote-set-on-oregons-hb-4002-after-intense-public-hearing/72747354007/>.

<sup>2</sup> Heather Roberts, Bend State Rep. Jason Kropf Discusses Drug Bill, KBND, February 26, 2024, <https://kbnd.com/kbnd-news/local-news-feed/730894#:~:text=He%20tells%20KBND%20News%20the.get%20engaged%20with%20local%20services.%22>.



are not actually struggling with addiction), a prohibition on use in public transit is almost only going to apply to those who really are experiencing substance use disorder.

**Please build deflection and conditional discharge offramps into SB 1553.**

Thank You,  
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ACLU of Oregon