

Dear Chair Kropf, Vice-Chairs Chotzen and Wallen, and members of the committee;

I am writing to oppose HB 2851 and its amendment and to ask that you take this moment to reconsider Oregon's domestic terrorism legislation, in whole or in part.

On a textual level, I reiterate my concern that the [intent](#) to “disrupt[] services” is very different from the intent to cause mass harm, sickness, injury, or death. For example, if striking workers caused heavy damage to a road or communication network in the context of a strike as (an admittedly illegal) means to highlight their demands, such conduct might be “domestic terrorism.” While such conduct should be held to account, it is far from what a lay person conceives as terrorism. I ask, minimally, that you strip this intent provision.

Oregon Prosecutors Misdiagnosed the Problem

In 2023, prosecutors [justified](#) their need for a domestic terrorism statute by saying Oregon's First Degree Criminal Mischief statute inadequate, as it swept up low-level property crime like “striking a car with a baseball bat.” Prosecutors had a point. First Degree Criminal Mischief was never intended to apply to petty property damage. But prosecutors misdiagnosed the problem.

Oregon's First-Degree Criminal Mischief Statute was drafted in 1971. In the many decades since, the monetary damage threshold has *never* been updated. If simply [adjusted](#) for inflation, Oregon's threshold for First Degree Criminal Mischief would be over \$8,000 in 2025.

A Better Way Forward

First Degree Criminal Mischief was clearly intended to apply to serious property crimes. The crime includes damage by arson and explosive device. Lawmakers' first and simplest fix would have been *raising* the damage threshold to reflect modern times. An even better fix would build in a future adjustment mechanism for *all* such criminal thresholds, to avoid this problem altogether.

Lawmakers may have decided they still needed a new category of felony damage. But the jump to an extreme fix ignored the root issue.

De-Politicize the Statute

While I appreciate lawmakers have tried to narrow the application of this law, no domestic terrorism legislation can be separated from the deeply politicized, racist, and illegal ways these laws have been enforced across our country and the ugly stigma they continue to carry. A central element of Oregonians' disgust at this legislation is the title domestic terrorism. This term, and its ugly history, should be put to rest.

Or, better yet, buck the tradition of the state's ever-expansion of criminal law and the carceral state. Repeal this law and adjust Oregon's pre-existing criminal framework to modern times.

Thank you.
Emily Hawley