



April 25, 2025

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

RE: Testimony in Opposition to Senate Bill 162

Dear Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, 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 45,000 members and donor supporters statewide.

We oppose Section 1(4) of Senate Bill 162A, which would create a concerning exception to the warrant requirement, a fundamental safeguard of constitutional rights, by permitting law enforcement to destroy private property without a warrant to do so. Specifically, this provision would allow officers to destroy hoop houses during searches of properties suspected of unlawfully cultivating marijuana, based solely on probable cause, without obtaining a warrant to seize or destroy the structures themselves. **This bill fundamentally undermines the principle that government intrusion upon private property must be carefully justified and judicially supervised.**

Under this bill, an officer would only need a search warrant for the premises—not for the hoop houses individually—and could destroy them upon concluding, based on probable cause, that they were used for illegal cultivation. **This represents a significant and troubling erosion of privacy protections enshrined in both the Oregon and United States Constitutions.**

The potential for abuse is clear. Imagine a law-abiding property owner subjected to a valid search warrant, where no evidence of unlawful activity is ultimately found. Under this legislation, officers could nonetheless destroy the owner's hoop houses without consequence, even if no criminal charges are ever filed.

This risk of unjustified property destruction is not theoretical—it invites harassment, discriminatory enforcement, and inconsistent application of the law across counties and within agencies. It opens the door for implicit and explicit biases based on race, gender, sex, and other protected characteristics to influence who is targeted and whose property is destroyed. **This would not only undermine public trust but would also expose agencies and the State to potential litigation for violations of constitutional rights.**

Moreover, **Section 1(4) sets a dangerous precedent:** it privileges convenience for law enforcement over the careful, diligent processes that our constitutional system demands. Protecting officer health and safety is important; however, allowing property destruction

without uniform standards, judicial oversight, or adherence to established due process protections could create greater public health and safety risks than a properly managed, warrant-based process would.

In sum, Section 1(4) of Senate Bill 162A is an unnecessary and harmful intrusion into civil liberties. It invites inequitable enforcement and exposes property owners to avoidable harm without adequate legal safeguards. **The ACLU of Oregon respectfully urges this Committee to oppose and remove Section 1(4) from Senate Bill 162A. We take no position on the remaining provisions of the bill.**

Respectfully,

Michael Abrams, Policy Counsel
ACLU of Oregon

If you have any questions or requests for clarifications, please email Jessica Maravilla, Policy Director, at jmaravilla@aclu-or.org