



**TESTIMONY ON HB 4041
HOUSE COMMITTEE ON JUDICIARY
FEBRUARY 11, 2026**

Chair Kropf, Vice Chairs Wallan and Chotzen, and Members of the Committee:

My name is Mae Lee Browning, testifying on behalf of the Oregon Criminal Defense Lawyers Association (OCDLA).

OCDLA has two proposals in HB 4041 that are simple, straightforward, sensible and right-sized for a short session.

Driving While Suspended

First, we have Driving While Suspended (DWS) in sections 1 and 2. This is narrowly tailored to reclassify two minor offenses as violations rather than misdemeanors. One commits the offense of DWS when they drive with a suspended license. One's license is suspended by the Dept of Transportation when they are convicted of certain crimes. One can have their license suspended if they have a conviction for criminal mischief resulting from the operation of a motor vehicle and if they have a conviction for reckless driving. What this bill does is make misdemeanor DWS a violation. This bill does nothing to change the underlying conviction or the license suspension. With the change in this bill, the person would be charged with a violation and subject to fines, but without the lasting harm of another criminal conviction.

Inflation-Adjusted Dollar Amounts for Theft and Criminal Mischief

Sections 13-18 simply updates outdated dollar thresholds to reflect inflation. These dollar amounts distinguish levels of theft and criminal mischief. The threshold for Criminal Mischief in the Second Degree, a Class A misdemeanor, is \$500. For Criminal Mischief in the First Degree, a Class C felony, it is \$1,000. For theft, Theft in the Third Degree (Class C misdemeanor) is for an amount under \$100, Theft in the Second Degree (Class A misdemeanor) is for an amount between \$100 and \$1,000, and Theft in the First Degree (Class C felony) is for an amount over \$1,000.

The dollar amounts were last adjusted in 2009 and no longer reflect the real value of money today. Inflation has significantly eroded those thresholds. Conduct that was treated as lower-level in 2009 is now more likely to trigger higher criminal penalties solely because of inflation., \$100 in 2009 is equivalent to \$150 now. This bill simply updates these dollar thresholds to adjust for inflation, using the U.S. inflation calculator.

These amounts have been adjusted before. In 1967, the dollar amount was \$75. In 1987, there were dollar thresholds of \$50 and \$500. \$50 in 1987 is \$140 now. \$500 in 1987 is \$1417 now. Then in 2009, you have dollar amounts, for example, that are \$100 and \$1,000. \$100 in 2009 is \$150 now. \$1,000 in 2009 is \$1,500 now.

To use cell phones as a reference point, in 2009, the iPhone 3GS launched at \$199 with a 2-year contract (or roughly \$599–\$699 unlocked/without contract). In 2025, the iPhone 17/17 Pro launched with a starting price of \$799, while the iPhone 17 Pro/Max starts at \$1,099–\$1,199. In 2009, popular BlackBerry models typically cost between \$100 and \$200 with a two-year service contract, and of course, BlackBerries no longer exist.

This is not a policy expansion or reduction - it is a correction. It preserves the Legislature's original intent by keeping penalties aligned with real economic value.

Felony Elude

Balance matters in criminal justice policy. When the Legislature considers bills that increase sentences or expand criminal liability, it is equally important to advance measures that restore balance in the system. A balanced legislative approach strengthens confidence in the justice system and produces more sustainable outcomes. It is not a balanced approach if felony elude in sections 3-4 stays in the bill, so we are asking that it be taken out. The elevation from a crime seriousness level 2 to a 6 and 8 in certain circumstances for felony elude does not balance with the very minor changes to DWS and adjusting the dollar amounts for theft and criminal mischief to reflect inflation, which in fact, is not a policy change at all, just a correction.

OCDLA is concerned about the fiscal impact of felony elude. In 2025, HB 3097, which was the stand-alone felony elude bill, had the following fiscal impact:

\$37,000 for this biennium

\$685,000 for the 2027-29 biennium

\$1.9 mil for the 2029-31 biennium

\$2.3 mil for the 2031-33 biennium

\$2.4 mil for the 2033-35 biennium

Felony elude captures a range of conduct. What legislators will hear about are the long, scary car chases. What defense attorneys know is that our clients are charged with felony elude for taking 4 blocks to pull over. If legislators have the will to pass the felony elude provision and if the budget environment can sustain such an increase in this crime, there should be a misdemeanor offramp to reflect the range of conduct encompassed in felony elude and to offset the increase to a crime seriousness level 6 and 8. Additionally, there should not be just one prior to raise the crime seriousness from a level 2 to a 6.

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¹ OCDLA's 1,200+ members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, and adults in criminal proceedings at the trial and the appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.