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**OREGON STATE SENATE**  
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Vote Explanation  
HB 4002

Even though I stated my objections to HB 4002A during the floor debate, I decided to file this vote explanation.

HB 4002A will recriminalize the possession of user-amounts of controlled substances into perpetuity. This goes against the will of the voters when they passed Ballot Measure 110 in 2020. I understand the need for – and would have supported – a temporary recrimination to allow the necessary time to get treatment facilities opened around the state.

HB 4002A will reinstitute the “War on Drugs” against people who suffer an addiction to controlled substances. Substance use disorders involving controlled substances are behavioral health and medical issues that can only be addressed the same way we deal with people suffering from alcohol addiction through treatment and not through our criminal justice system or the threat of jail time. We don’t threaten an alcoholic with jail to get them into treatment! I must state: We’re talking about people suffering from addiction, not those committing other crimes such as dealing or manufacturing controlled substances.

Currently, the state is experiencing a severe shortage of public defenders to handle current cases. In fact, there are over 2,800 individuals charged with criminal conduct who are eligible for a court appointed attorney, but whom don’t have access to one. Of that number, 170 are currently in custody without an attorney! HB 4002A is expected to compound this problem by adding more than 2,000 cases into the Oregon courts. Who will get an attorney? Who will not? This will cause more delays and dismissal of cases. The same can be said for probation officers; we already do not have enough for those already in the criminal justice system. HB 4002A *will* compound this problem.

Another reason I was not able to support HB 4002A is that it conflicts with evidence-based research and practices. According to a recent PSU study:

1. Drug overdoses are not attributed to M110 – they are from the impacts from COVID and the national fentanyl crisis;
2. M110 had no detectable effect on violent crime; and
3. Even though there was some increase in property crime, it was not any greater than what other states that haven’t decriminalized user-amounts of controlled substances experiences during the same time frame.

As the PSU report concluded: Recrimination is not supported by the available data.

This is why I would have only support recriminalization for a short period of time. Again: We must address the open use issue that our state faces while getting treatment facilities in place to address the addiction crisis.

My next objection is how quickly recriminalization is set to occur: September 1, 2024. This is too short of a period to get treatment centers up and running statewide. Knowing it took approximately two years for facilities to begin operating under BM 110, I don't hold out hope that its rollout will be any faster.

Further objections include lack of equal protections and adverse impact on people of color. Since county deflection programs are optional, an individual allowed to enter deflection in one county will never go into the criminal justice system where a county that doesn't have a deflection program will put a similarly situated person directly into the criminal justice system. The data clearly shows people of color and people of lower means (low-income) will continue to make up a disproportional number of individuals in the criminal justice system!

Lastly, the voters wanted the Legislature to deal with the open use of controlled substances in our communities. Instead of addressing this issue, the Legislature decided to revert to the failed policy of the War on Drugs by recriminalizing a user-amount of controlled substances.

For these reasons and those I raised during floor debate, I voted "no" on HB 4002A.

A handwritten signature in blue ink, appearing to read "F. Prozanski".

Floyd Prozanski