

ED DIEHL
STATE REPRESENTATIVE
DISTRICT 17
MARION/LINN



HOUSE OF REPRESENTATIVES

February 29, 2024

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building
Salem, OR 97301

RE: Vote Explanation on HB 4002A

Dear Chief Clerk Sekerak,

HB4002A is a step in the right direction. By recriminalizing hard drugs and requiring treatment, we followed through on Oregonians demands for both accountability and care for those in the throes of addiction. And we told the Drug Policy Alliance, the east coast group that funded Ballot Measure 110 and continues to promote drug decriminalization in Oregon through campaign donations, that their deadly and unproven ideas are no longer welcome in our state. I support the bill moving forward. I also support House Republican Leader Helfrich and the rest of our caucus that pushed so hard to move this bill in the right direction despite fierce opposition from the left.

I voted NO on the bill today to raise attention to the serious flaws in this bill. I am very concerned that citizens will not see the results that they are demanding due to a lack of fiscal accountability, conflicting priorities, and poor local implementation in the Portland Metro Area. The following is from my speech on the floor.

Public safety and getting people clean. That's what fixing Measure 110 is all about.

The Republicans have been listening to what Oregonians are demanding. Last year, we tried to make major reforms to BM110, including a call for a flat out repeal of the measure - we agreed with the vast majority of Oregonians that it was a poorly implemented, bad idea. We also brought forth legislation to give back law enforcement tools that were taken away by misguided legislation in recent years.

House Bill 4002A started as a very weak attempt to make changes. Due to intense pressure from Republicans and Oregonians outraged by what has been playing out in our streets, and also thanks to some intense work by our Sheriffs and DAs, House Bill 4002A is now the most anti-crime, pro law enforcement bill this legislature has sent to the House floor in years!

It gives law enforcement many of the tools they have asked for to deal with the drug crisis. However, it also has serious flaws that will limit its effectiveness.

Some of the Pros are:

It partially accomplishes two things that people have been demanding: recriminalization and required treatment. It doesn't go as far as we believe is needed, however it is better than what we currently have.

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With recriminalization and required treatment as outlined in HB4002A, a drug user has two options: to pursue treatment or serve jail time.

Compelled treatment works. And that is what this bill attempts to do. I believe that this is the compassionate thing to do for people afflicted with addiction who are not volunteering for treatment. I have heard from so many people who are now drug-free only because they went through required treatment and/or spent time in jail. It was the wake-up call they needed to turn their life around.

It's also important to note that if treatment is not available at the time, the drug user may end up serving jail time in order to protect public safety.

The bill also gives law enforcement the tools they need to go after and punish the drug dealers; Democrat-led legislation took these essential tools away over the last few years.

The bill also reinstates 72 hour welfare holds for intoxicated persons who pose a danger to themselves or others.

And a drug user can face up to 180 days in jail if they decline or fail probation. But if they succeed in probation and get on a path to recovery, their record will be expunged.

Another Pro is Deflection, or Pre-Booking Diversion into treatment, as an optional program for each county. The choice to book, or send to Pre-Booking Diversion, is at the discretion of law enforcement on a case by case basis. Marion County's LEAD program is a model for how to do this right. I encourage other counties to look at how Marion County makes this system work. We know that this program is not a fit for every county, that's why it's an optional program.

While the bill makes some steps in the right direction, there are many major shortcomings to House Bill 4002A. I'll highlight just a few.

First and foremost is the lack of Fiscal accountability. This bill keeps the Measure 110 Oversight and Accountability Council in charge of all Measure 110 funds. We have seen the OAC be slow to distribute the funds and fund the wrong priorities. We have numerous reports of funds being misused; the OHA is currently trying to recover funds that were apparently used to purchase homes, cars and other fraudulent uses of the money.

Most concerning, however, is that the OAC does not believe in recriminalization and required treatment, two basic tenants of this bill.

The OAC prioritizes destigmatization, free needles, pipes and foil. As an *Atlantic* article recently noted: "That so many influential people are working hard to promote a positive image to a drug that is killing 200 Americans a day is stunning."

This lack of accountability and the conflicting priorities puts the entire law enforcement program at risk of failure.

Until the OAC is abolished, much of the M110 funding will not be directed to evidence-based solutions with the goal of getting people clean. And funding priorities will not align with the recriminalization and required treatment priorities that Oregonians are demanding.

Also, I believe some counties will take advantage of the law enforcement tools provided in House Bill 4002A to put a dent in their addiction crisis. My sheriffs agree that this legislation is a step in the right direction.

However, I am gravely concerned that some other counties, particularly in the Portland Metro area, do not have the leadership in place to make this work. The crisis that we see playing out on the streets today will not change there. And the Oregonians living in those counties will not see any relief. More is needed to make sure the entire state can deal with this crisis.

In addition, HB4002A does nothing to deal with the drug cartels and the horrific associated human trafficking.

Is this a step in the right direction? YES. Does it do everything we need in order to keep our streets safe and get people clean for all of Oregon? NO

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Diehl', with a horizontal line extending to the right.

Representative Ed Diehl, Oregon House District 17