

**JANELLE S. BYNUM**  
**STATE REPRESENTATIVE**  
DISTRICT 39



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Happy Valley  
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**HOUSE OF REPRESENTATIVES**

June 1, 2023

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

I file this vote explanation today as a bookmark in the record of this legislative body to flag a significant expansion of our state's warrant authority and to explain why I voted against Senate Bill 954.

Warrants are one of the most powerful tools the state can exercise in its justice system. They authorize law enforcement to enter upon private property, sometimes without warning and armed with guns, to seize property and make arrests at the behest of the government.

Senate Bill 954A gives judges new authority to issue warrants that can be executed outside of their judicial district when there is "interrelated conduct" relating to suspected violations of our state's marijuana or psilocybin laws. This is an extra-ordinary step, and I was a no vote in committee and on the floor because I believe this new power is not tempered by adequate political accountability.

Judges stand as the main gatekeeper in the warrant process and take an oath to abide by a set of judicial ethics. Judges are however not infallible; mistakes are made, and warrants are sometimes issued even if probable cause is lacking. When bad warrants are issued, voters can hold their local judge accountable at the ballot box. By contrast, under this bill where a judge can issue an extra-jurisdiction warrant, voters in neighboring districts where the warrant is executed are unable to express their dissent through the election process.

I believe this bill also opens the door for judge shopping, where law enforcement and prosecutors will look outside of their jurisdiction for magistrates who are more readily inclined to approve a warrant application. Whether this cherry-picking is done purposefully or subconsciously, it removes judicial and prosecutorial discretion from communities who elect their judges based on a set of localized priorities.

The threat of judge shopping is more than hypothetical. To put things in perspective, we heard another bill in judiciary committee that entailed stories of district attorneys obtaining blanket disqualifications against judges that bar them from hearing any criminal case brought into their courthouse. Such an instance occurred in Jackson County, which is at the center of the fight against illegal marijuana production and a location where prosecutors will likely seek extra-jurisdictional warrants.

Further, nothing in current law stops law enforcement from applying for warrants to judges in multiple jurisdictions at the same time, thereby allowing searches to occur simultaneously across district lines while still maintaining accountability for each individual judge.

There was discussion in committee that a motion to suppress could act as an adequate safeguard by excluding evidence from a criminal trial when a defective warrant is authorized. I am not satisfied with this solution as the remedy occurs only after the fact where the state has searched and seized private property, or restrained the freedom of citizens through arrest or detention. Suppression also does nothing to redress the wrongs perpetuated against someone subjected to a criminal search warrant who is completely innocent, or those charged with a crime who enter a plea before a suppression motion is granted or even filed.

Issuance and execution of warrants are high stakes situations where mistakes can be made, whether it be wanton misconduct or plain human error. The haunting death of Breonna Taylor and far too many others demonstrate examples where the checks on the warrant process fail, and life altering decisions are made that no court can adequately redress.

This bill came from the House Bill 3000 Task Force, which was charged with addressing the humanitarian tragedies arising from illicit marijuana production. These problems and threats are real and need to be addressed, but we must remain wary of unchecked government power.

Times of crisis call for us as legislators to remain conscious of civil liberties and protect the rights of our constituents.

We must tread carefully and understand that while we hope for the best, we must expect that at some point the worst will occur. It is my hope that this legislative body will track the impact of this bill and make any necessary reforms in the future to ensure a proper balance between public safety and the awesome police power of the state.

Sincerely,

A handwritten signature in black ink, appearing to read "Janelle Bynum". The signature is fluid and cursive, with a long horizontal flourish at the end.

Representative Janelle Bynum