



ADVOCATES DEMAND ANSWERS ON TRUE COSTS OF DRUG LAW CHANGES

Attorneys with the Oregon Justice Resource Center say legislators are breaking the law by failing to provide full details of fiscal impacts on HB 4002.

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PORTLAND, Ore. – Advocates with the Portland-based law firm the Oregon Justice Resource Center (OJRC) are demanding legislators comply with the law and provide more information on the fiscal impact of new drugs policies. House Bill 4002 would result in additional costs at the state, county, and local levels due to the creation of new crimes, changes to existing sentencing laws, and stiffer penalties for various drug-related offenses. OJRC is not satisfied with the fiscal impact statement (FIS) already issued on February 28, 2024, because it lacks full information on the true fiscal impact of HB 4002.

OJRC has identified that the FIS violates the provisions of ORS 173.029 on their face in several glaring and egregious ways. ORS 173.029 requires that the fiscal impact of the bill on law enforcement agencies, the courts, district attorneys' offices, public defense, and corrections are reported to the extent practicable. The FIS issued for HB 4002 does not meet this required standard.

OJRC has informed legislative leadership that it stands ready to seek enforcement of the mandates of ORS 173.029 through the courts if necessary.

Failures of the FIS to meet the requirements of ORS 173.029

- The FIS has no information about the fiscal impact on local law enforcement agencies nor does it include the anticipated number of arrests annually by local law enforcement agencies. The FIS fails to mention city police and county sheriffs' departments at all.
- The FIS has no information about the cost of HB 4002 to county jails and the increased number of bed-days they will use due to the bill.
- The FIS fails to describe the fiscal impact of the bill for 10 years, since it only covers the 2023-25 and 2025-27 biennia.
- The FIS does not attempt to estimate the actual cost of hiring the additional public defense providers needed considering the well-known shortage of available attorneys to do this work. The true cost would include the exorbitant expense of recruiting and training attorneys who practice in other states or other practice areas since the capacity to handle the extra cases HB 4002 will bring does not exist within

Oregon's public defender workforce. Attempting to square the circle of the lack of public defenders by violating defendants' constitutional rights is illegal and unacceptable.

The passage of HB 4002 would intentionally increase the disparate harm of criminal prosecution on Oregon's communities of color, in violation of the US and Oregon Constitutions. The Oregon Criminal Justice Commission published a Racial and Ethnic Impact statement which confirmed that criminalizing possession of controlled substances will result in racial disparities.

"Local governments will bear the brunt of the increased cost burden that will come from House Bill 4002," said Zach Winston, Policy Director for the Oregon Justice Resource Center. "Oregonians must know how the fiscal health of their communities will be harmed by the effects of this bill. Legislators should not be passing laws that will have such a serious impact on the ability to fund the services communities want without an honest accounting of that cost."

"Through the inadequate fiscal impact statement that has been released, we have confirmation that HB 4002 will lead to extraordinary costs that taxpayers will have to bear," said Bobbin Singh, Executive Director of the Oregon Justice Resource Center. "These will be added to the strain placed on the criminal legal system and prisons and jails as well as the human costs borne by Oregonians struggling with addiction. This hasty, ill-thought-out piece of legislation will overwhelm already struggling and collapsing systems and harm communities that its supporters claim to help."

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