

OREGON'S

2022 LEGISLATIVE SESSION

SPRING 2022



OUR AGENDA, VICTORIES, AND UNFINISHED BUSINESS.

ACLU Oregon

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Executive Director Letter

Oregon's 2022 legislative session started in February, coinciding with my first anniversary as executive director of the ACLU of Oregon. In the past year, many wonderful new team members joined our staff — including our team's legislative leaders: Jessica Maravilla, policy director, and Mariana Garcia Medina, senior policy associate. Their abilities shone brightly this session, especially because their leadership approach centered our values of honoring people, relationships and communities. I feel lucky to be their colleague and to witness them lead the culture shift we hope to see in Salem.

The end of February brought another change to our team: Jann Carson's retirement. Jann started working at the ACLU of Oregon in 1986 as development director and then, for several decades, served as deputy director and as interim executive director, too. Jann wrote a beautiful farewell note to our community that [I invite you to read here](#). It included these thoughts:

[F]or as long as I have worked with the ACLU, we continually talked about how to make our organization racially diverse and we continually failed to understand how we were not a welcoming place for many people of color.

Finally, that is changing. Due to the incredible commitment and hard, painful work of several Black, Indigenous and other women of color on the staff and board, we have begun the introspection and work necessary to change the ACLU of Oregon into a racial justice organization — both internally and externally.

I am excited for the future of our organization and the positive impact it will have in making our state a safer and more just place for historically disenfranchised people to live and thrive. The ACLU of Oregon's work is committed to be led by and informed by people most impacted by the unjust, racist systems that have to be reimaged. We are changing, again, for the better from this leadership and commitment.

The ACLU, from its very first days, fought for racial justice and an end to systemic racism. Our core legislative priorities this session were rooted in racial justice, and we experienced both incredible victories and heartbreaking defeats.

Victories included: overtime pay for farmworkers, universal legal representation for Oregonians in deportation proceedings, and passage of the Transforming Justice omnibus bill that addresses racial disparities in the criminal legal system with strategies developed by communities and coalitions of color. **Defeats included:** legislation to address the harmful impacts of Oregon's racist nonunanimous jury law, which died in the Joint Ways and Means Committee, and dangerous changes to legislation adopted last year to restrict police use of tear gas and munition weapons against protestors — weapons of war that we saw repeatedly used by police against racial justice protestors.

Also in February, our community experienced a harsh reminder of the dangers faced by everyday people who stand up against racial injustice. On February 19, volunteers working on traffic safety for a racial justice protest at Normandale Park in Portland were shot by an individual with hateful views toward protestors and houseless people. **We remember June Knightly**, who was murdered that night, as well as the other volunteers, street medics and community members who were harmed. We honor all those who persevere in continuing the fight for racial justice — and our First Amendment right to protest.

We invite you to learn more about our 2022 legislative efforts detailed in this report. Thank you for advocating with us in this legislative session — we hope you stay with us as we continue defending and advancing our fundamental civil liberties and civil rights to make Oregon a place where we all can thrive.

Sandy Chung
Executive Director

Our Organizational Values

We are striving to center our work on the individuals and communities in Oregon who are the most marginalized and impacted by the systemic inequities of racism, xenophobia, misogyny, ableism, transphobia, homophobia, socioeconomic injustice and other types of oppression. These communities intersect and include Oregon's Black, Indigenous and people of color (BIPOC) communities, immigrants and refugees, people with varying abilities and disabilities, LGBTQ+ communities and people experiencing poverty.

We believe each and every person has inherent dignity and value. No person is disposable.

We recognize that people can be disadvantaged by multiple sources of oppression based on their various, intersecting identities. These identities do not exist independently of each other. Each informs the other, often creating a complex convergence of oppression. We seek to create real — not performative — strides towards public and community safety, holistic wellness and care through our shared values and democratic processes. These processes must recognize, value and be rooted in our fundamental civil liberties and civil rights.

Priority Policy Agenda



Impact of Community

The ACLU of Oregon fights for a democracy that is by all the people, for all the people. It is important for us to center the voices of the community because this is vital to our democratic values. Below is a snapshot of the ways community showed up to protect and advance civil liberties and civil rights during the 2022 legislative session:

People who
registered for ACLU OR
legislative-related events

291

Testimony
submitted on
Farmworker Overtime

1,700

Testimony supporting
Universal Legal
Representation

114

159

Testimony opposing
weakening of protections
against police use of tear
gas and munition
weapons

65

Testimony supporting the
Transforming Justice
Omnibus Bill

4,574

Emails to legislators supporting
Nonunanimous Jury Bill

1,815

Emails to legislators
supporting ACLU OR's
priority bills

Op-eds supporting our priority bills:

FARMWORKER OVERTIME:

- Community member Ben Verhoeven **op-ed**
- Piñeros y Campesinos Unidos del Noroeste (PCUN) executive director Reyna Lopez **op-ed**
- ACLU of Oregon executive director Sandy Chung **op-ed**

UNIVERSAL LEGAL REPRESENTATION:

- Adelante Mujeres executive director Bridget Cooke and Board Member Ingrid Solares **op-ed**

NONUNANIMOUS JURIES:

- Lewis & Clark Law School Professor Aliza Kaplan **op-ed**

VICTORIES

SB 1543: UNIVERSAL REPRESENTATION

At the ACLU, a founding principle is human rights — this includes immigrant and refugee rights. When government entities enforce immigration laws, they must act fairly, humanely and consistently with the constitutional rights of due process and equal protection. If an immigrant or refugee is forced to participate in federal deportation proceedings without legal counsel, the proceeding is fundamentally unfair and constitutionally unjust.

SB 1543, Universal Representation, was a collaborative victory between community and legislative leadership. Its passage means a statewide system will be created and funded that provides legal counsel to immigrant and refugee Oregonians in deportation proceedings. This program will be the first of its kind in the nation with a governance structure made up of community-based organizations, which will allow the program to be connected and responsive to community feedback and needs. By passing SB 1543, our state's leaders deepened Oregon's commitment to systematically enshrining the realization of our constitutional rights.



HB 4002: FARMWORKER OVERTIME

Since the 1930s, the ACLU has recognized that economic justice is essential to achieving racial justice. When the federal government adopted overtime pay protections for most workers through the Fair Labor Standards Act (FLSA) of 1938, it excluded agricultural workers — an occupation then predominantly occupied by Black workers — from overtime protections.

The passage of HB 4002 remedies this racist and harmful exclusion. Oregon becomes the eighth state to forge the path for farmworker overtime pay protections. The bill mandates fair and just pay for Oregonian farmworkers and supports farm operators with the transitional costs of providing overtime pay. We are grateful that state lawmakers took this historic step towards fair treatment of farmworkers — starting with respecting their time as much as other workers' time.



SB 1579: ECONOMIC EQUITY INVESTMENT

Wealth and economic inequality continues to widen and negatively affect Oregonians across the state. Mass incarceration and the war on drugs — including the incarceration of people of color for marijuana crimes before marijuana was legalized — have exacerbated the economic inequities along racial lines for over four decades.

The successful passage of SB 1579, championed by Senator Akasha Lawrence Spence, will begin to address some of the harms and inequities caused by mass incarceration and the war on drugs. It will do so by investing in our communities through the creation of the Economic Equity Investment Fund. This new fund will allocate grants to culturally-specific organizations across Oregon that work within their communities to create pathways to generational wealth equity through entrepreneurship, workforce development, and home and land ownership. We sincerely thank the impressive community-driven coalition led by Jeannette Ward Horton, co-founder of NuLeaf Project, for their leadership. The ACLU of Oregon's testimony in support of this bill [can be read here](#).



VICTORIES

SB 1510: TRANSFORMING JUSTICE OMNIBUS BILL



Disproportionately, police officers have more violent interactions with Black people, Indigenous people, and people of color (BIPOC) than their white counterparts. The over-policing of BIPOC people has resulted in racial disparities in the holistic health — physical, mental, social, emotional, and economic — of BIPOC communities.

In the past two years, a coalition through Governor Kate Brown's Racial Justice Council came together to work on policy changes that would reduce racially-disproportionate harms and serve as a step forward in racial justice. The creation and successful passage of SB 1510 includes: reducing traffic stops related to issues not involving urgent or significant safety concerns, such as stops for a broken headlight, taillight or brake light; improving success for people on probation and parole by removing barriers faced by Oregonians after incarceration; and investing resources in community-centered efforts to address racial disparities in the criminal legal system with the creation of the Justice Reinvestment Equity Program. We invite you to read the ACLU of Oregon's [testimony in support of this bill](#).

SB 1584: OREGON JUSTICE FOR EXONEREES ACT



After incarceration, wrongfully-convicted Oregonians face immense challenges in housing, education, employment, healthcare, mental health and financial independence. Before the passage of this bill, Oregon was one of only 13 states without a law in place to compensate wrongfully-convicted people, also known as exonerees.

With strong bipartisan support, SB 1584 creates a universal statewide framework to provide much-needed financial compensation to eligible exonerees. Our state will finally deliver some justice to the wrongfully-convicted through compensation, housing assistance, counseling, a sealing of their records and a clear name.

HB 4133: ONLINE VOTER REGISTRATION MODERNIZATION



At the ACLU, strengthening democracy is a core value and policy priority. Access to voter registration upholds a strong participatory democracy in Oregon.

The successful passage of HB 4133 will increase access and help modernize our online voter registration (OVR+) system by allowing voter registrants to upload an image of their signature and register online with the last four digits of their social security number. Prior to this bill, Oregon's OVR system was limited to people who had either an Oregon driver license or a non-driver ID card issued by the Oregon DMV. This limitation created barriers to accessing voter registration across our state.

With an OVR+ system, more Oregonians will be able to conveniently register to vote and update their registrations. We invite you to read the ACLU of Oregon's [testimony in support of this bill](#).

HB 4146: DIGNITY FOR INCARCERATED WOMEN



The lack of gender-responsive and trauma-informed practices in Oregon prisons perpetuates cycles of trauma, victimization and harm among incarcerated women and nonbinary people. HB 4146 was created to direct the Oregon Department of Administrative Services and a contracted third-party organization to conduct a trauma-informed, gender- and culturally-responsive assessment of Coffee Creek Correctional Facility. The assessment results would create a baseline for the strategic planning and policy recommendations that will improve conditions and protections for incarcerated individuals at Coffee Creek Correctional Facility.

Although the bill did not pass in the legislature, the initiative is still a success because its directives were all included in HB 5202, Oregon's 2022 budget reconciliation bill. This effort to improve the conditions for women, nonbinary and gender-nonconforming people at Coffee Creek Correctional Facility was led and made possible by Family Forward Oregon and YWCA of Greater Portland. We invite you to read the ACLU of Oregon's [testimony in support of this bill](#).

HB 5202: BUDGET RECONCILIATION BILL

Reproductive Health Equity Funds

Across the country, access to reproductive healthcare services is under attack. Currently, the U.S. Supreme Court decision in *Dobbs v. Jackson*, a petition to uphold a 15-week abortion ban in Mississippi, is pending. If the Supreme Court rules in its favor, it will effectively overturn *Roe v. Wade*, upending nearly 50 years of federal protections for abortion.

In Oregon, it was crucial to expand access to reproductive healthcare across the state, especially in rural communities and for state neighbors who may need to seek care in our state. With the leadership of Planned Parenthood Advocates of Oregon, Pro-Choice Oregon and Seeding Justice, the 2022 budget reconciliation bill includes \$15 million in funding for reproductive health equity — increasing access across our state and readying us for the road ahead.

Oregon Worker Relief Fund & Cost of Living

Undocumented Oregonians are an integral part of communities across our state, yet are often left out of pandemic relief conversations. In an effort to provide relief to undocumented communities, the Oregon Worker Relief Fund (OWRF) successfully distributed more than \$60 million to nearly 35,000 first-time applicants in payments of up to \$1,720 — becoming a lifeline for many undocumented families excluded from federal relief.

Unfortunately, OWRF funds became depleted near the end of 2021, cutting off relief and leaving many community members to make difficult decisions.

During this session, the ACLU of Oregon supported two budget requests to address these disparities. Through HB 5202, \$65 million was appropriated to the Oregon Worker Relief Fund. A portion of this budget allocation — \$15 million — will be used to complement the cost of living bill, provide pandemic relief for individuals who lost employment due to COVID-19 and give direct \$600 payments to ITIN filers for tax year 2020.

UNFINISHED BUSINESS

SB 1511: NONUNANIMOUS JURIES

Starting in 1934, Oregon was one of only two states in the nation that allowed people to be sent to prison by a nonunanimous jury, even if one or two jurors believed that the evidence did not support a conviction. In April 2020, in *Ramos v. Louisiana*, the U.S. Supreme Court struck down this law as unconstitutional, recognizing that its adoption occurred during "the rise of the Ku Klux Klan and efforts to dilute the influence of racial and ethnic and religious minorities on Oregon juries."

After the *Ramos* decision, Oregon courts were required to allow retrials for any Oregonian convicted by a nonunanimous jury and whose case was still being appealed as of the date of the *Ramos* decision, April 20, 2020. **But what about Oregonians with older cases?** In their decision in *Edwards v. Vannoy*, issued in May 2021, the conservative justices of the U.S. Supreme Court decided they would offer no relief for people with older cases, allowing the arbitrary timing of the *Ramos* decision to determine the denial of justice. However, the high court also noted, "States remain free, if they choose, to retroactively apply the jury-unanimity rule as a matter of state law in state post-conviction proceedings."

During the 2022 legislative session, Oregon lawmakers heard testimony about the continuing racist and harmful impacts of nonunanimous jury convictions. In response, they developed an amended bill that granted district attorneys the authority to provide a just process to Oregonians convicted by nonunanimous juries, while also being sensitive to feedback from victims and survivors of crime. **Unfortunately, this nuanced and responsive bill died in the Joint Ways and Means Committee.**

The ACLU of Oregon believes that upholding our civil liberties and civil rights requires that we fight for the constitutional rights of all people, including people accused of crimes. We will continue our advocacy in the courts, legislature and communities to fully address the harms of Oregon's racist nonunanimous jury law.

The ACLU of Oregon's testimony in support of this bill, letter and email to legislators, and an op-ed by our partner Professor Aliza Kaplan [are here](#).

HB 4147: RESTORATION OF VOTING RIGHTS

In our representative democracy, one of our most important foundational rights is our right to vote. However, for centuries, marginalized communities have been disenfranchised and prevented from voting. In the 1850s, incarcerated individuals were denied the right to vote as part of post-Reconstruction Jim Crow laws aimed at disenfranchising Black voters.

This year, Oregon legislators had the historic opportunity to eliminate voter suppression of Oregonians who are incarcerated on a felony conviction, a law rooted in white supremacy. However, the state legislature failed to give the bill a hearing.

The continued removal of voting rights is civic death and an affront to civil liberties. Alongside Next Up, Oregon Justice Resource Center and all our coalition partners, we will continue to fight for the restoration of incarcerated Oregonians' voting rights. We invite you to [read the ACLU of Oregon's testimony](#) in support of this bill.



UNFINISHED BUSINESS

HB 4008-11 & HB 4131: TEAR GAS & MUNITION WEAPONS

In 2020, Oregonians expressed their sorrow and outrage over the murder of George Floyd — and police violence against Black and brown people — by protesting in the streets for racial justice. In Portland, protestors demonstrated for more than 100 days straight. Portland police responded with many forms of violence against protestors, including the deployment of tear gas and munition weapons.

The indiscriminate use of tear gas and munition weapons raised deep concerns about the damaging effects of chemical weapons on the health of protestors, bystanders, people living, working and attending school in proximate areas, and our biological environment at large. These harmful police actions raised alarm in our communities.

During the 2021 legislative session, Oregon lawmakers recognized the serious harm of police use of tear gas and munition weapons — recognized as weapons of war by international law — by passing House Bill 2928, which restricted police's use of them.

However, during the 2022 session, the League of Oregon Cities and the Portland City Attorney's Office asked for changes to roll back HB 2928, claiming they were needed because police felt restricted in their ability to use tear gas and munition weapons. The ACLU of Oregon, Oregon Justice Resource Center and civil rights attorneys fought back because the exact point of HB 2928 was to restrict police's indiscriminate use of tear gas and munition weapons. Our position was that if changes were made, there needed to be even stronger protections against the use of these weapons of war. Many Oregonians agreed, with more than 150 community members submitting written testimony to lawmakers asking for strong protections against police use of tear gas and munition weapons.

Unfortunately, lawmakers decided to adopt changes to HB 2928 through HB 4008 — changes that allow police to use chemical weapons in a “dangerous and unlawful situation” against Oregonians. This phrase is completely undefined under Oregon law. Police have a long history of interpreting standards like “unlawful” in broad and self-serving ways that violate people's constitutional rights.

We will continue to fight for more accountability mechanisms for people whose rights are violated by police, including fighting for a state civil rights act that gives Oregonians a meaningful pathway to protecting their state constitutional rights without the barrier of qualified immunity.

The ACLU of Oregon's testimony, a local youth's testimony and other contextual documents about this bill [can be found here](#).



UNFINISHED BUSINESS

HB 4099: RACIAL EQUITY AND JUSTICE YOUTH COLLABORATIVE

Across Oregon, important policy conversations are happening about youth that do not usually involve youth in the policy process. Our current voting and government processes — including Oregon Department of Education's policymaking processes — are not accessible to students and youth.

HB 4099, the Racial Equity and Justice Youth Collaborative bill, attempted to create a new state-level youth table where young people could inform educational policymaking. To support diverse voices, the bill specified representation of youth who identify as: Black, Indigenous, a youth of color, disabled, LGBTQ+, intersex, asexual, two-spirit, bilingual or multilingual and/or navigating poverty from all regions of Oregon.

Unfortunately, HB 4099 did not move forward, but we will try again. There is strong interest and support to bring it back next legislative session. ACLU of Oregon is excited to continue supporting youth in making our democratic and civic processes recognize the value young people bring to the policymaking process.



SB 1569: TAXPAYER RACE/ETHNICITY QUESTION

In order to achieve racial and economic equity in Oregon, there is much work to be done. An important policy area that impacts racial and economic equity is tax policy. The state lacks data collection and research systems needed to assess the effects of tax policies along racial/ethnic lines. Having this kind of system in place would help lawmakers create better-informed policies to address economic inequities.

SB 1569 was developed to ensure our tax code advances racial justice by collecting de-identified data (meaning all personal information is taken out of the collected data), enabling taxpayers to voluntarily share their demographic data such as race and/or ethnicity data if they chose, and included strong mechanisms to protect respondents' privacy and ensure data was not used for other purposes.

During this session, our partners significantly grew a coalition of legislative leaders and community-based organizations. The ACLU of Oregon plans to support the continuation of this effort to reshape our tax code with an equity lens so more Oregonians can experience economic security and all the benefits it affords.



UNFINISHED BUSINESS

SB 1566: LEGISLATOR PAY

A basic checks and balances method of accountability in democracy is this: If a legislator is not serving the people or doing a good enough job, the people can elect someone else who will serve the people and do a better job. However, with the current salary levels for Oregon legislators, many people in our communities cannot afford to run for state office. This means the slate of candidates for state elected positions are not necessarily the best of us.

This year, legislators made serious efforts to increase the base annual salary for an Oregon state legislator. However, those efforts did not succeed and legislators' annual salaries will remain at

\$32,839

At \$32,839, the salary for state legislators is less than the salary required for exempt status under federal law, which is \$35,568 annually. It is not much above the federal poverty level, which is \$27,750 for a family of four in 2022. At the current salary, legislators without personal or family wealth have to work second, and sometimes third, jobs. For many, their legislator duties and other jobs are on top of responsibilities and time commitments to loved ones and children.

By keeping the current salary, we perpetuate the myth that Oregon state legislators are “part-time” citizen legislators — that they are able to supervise their legislative offices and staff, listen to their communities and constituents, participate in community events, research and draft bills, participate in legislative and special sessions, and do myriad other duties on a part-time basis. All this while also working other jobs to stay afloat financially. This is pretense and untrue. Keeping up this pretense and inequitable practice is an enormous disservice to Oregonians.

Oregonians deserve to have the best and brightest of our family members, neighbors and community members represent us in the state legislature — regardless of their wealth status. This means legislators who are hardworking, honest, have integrity, and have lived experiences and values that align with the lived experiences and values of Oregonians.

Our state deserves and needs people of many different backgrounds, experiences and identities representing us: young people, parents and single parents, single-wage earners, frontline workers, teachers, people with low incomes, people who have experienced houselessness, people with disabilities and so many more perspectives. Economic barriers are also barriers to racial equity. Our state needs to make legislating more accessible to Black people, Indigenous people, and other people of color.

To state the obvious, none of these attributes — values, lived experiences and diverse backgrounds — are connected to whether a person has personal or family wealth. Therefore, to create a more representative and vibrant democracy at the state level, the ACLU of Oregon will continue to advocate for a reasonable increase in the salaries of our state legislators so that **all people, regardless of wealth**, can run for state office.

Gratitude to Partners

Justice work cannot be accomplished by any one individual or organization — nor should it.

THANK YOU to our many coalition and community partners, advocates, legislators, neighbors and allies who fight every day for a better, more just and caring Oregon.

To name a few: PCUN Oregon, Next Up, Oregon Justice Resource Center, Family Forward, YWCA of Greater Portland, Pro-Choice Oregon, NuProject, Planned Parenthood Advocates of Oregon, Causa, Fair Shot for All, Partnership for Safety and Justice, Zealous, Professor Aliza Kaplan of Lewis & Clark Law School, Transforming Justice Coalition ... and so many others we are glad to be in community with.

In particular, thank you to our coalition partners and to the legislative champions who fought for greater justice via these policy efforts:



- Farmworker overtime
- Universal legal representation
- Transforming Justice bill
- Oregon Justice for Exonerees Act
- Nonunanimous Juries bill
- Tear gas and munition weapons restrictions



We have profound gratitude for everyone in our beloved community who worked hard — **with fierce commitment to the values of care and community** — to demand bold action from our state's elected leaders.

ACLU Oregon

Questions?

Please direct all inquiries to info@aclu-or.org



APPENDIX

VISIT THIS SPREADSHEET

to check out
bill information,
testimonies and other
documents relevant to this report.