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# MEMORANDUM

*Police Department*

To: City Council, Mayor Jackola

Date: October 9, 2024

From: Chief Frank Stevenson 

Subject: House Bill 4002

Earlier this year, on April 1<sup>st</sup>, 2024, state lawmakers rolled back key provisions of Ballot Measure 110, the voter-passed initiative that decriminalized drugs nearly four years ago. House Bill 4002 (HB4002) was signed into law, which reintroduces criminal penalties for possession of user amounts of controlled substances. Beginning September 1, 2024, possession of those small amounts are once again considered a misdemeanor crime. The statute also sought to deliver on the promise of treatment outlined in Measure 110, with the bill allocating millions of dollars for counties to establish so-called “deflection programs” to do just that.

In September, the repeal under HB4002 means that a person with a small amount of illicit drugs will face a new “Drug Enforcement Misdemeanor” (DEM); the repeal not only made possession of a controlled substance a crime, but it also removed the Class E violation that it had previously been. Drug Enforcement Misdemeanor is utilized when a controlled substance is less than a certain amount; for example, a person who is in possession of less than 2g of Methamphetamine would have been issued a citation to appear in Linn County Circuit Court on a DEM.

Taking away the Class E violation now gives officers the capability to arrest subjects who are in possession of a controlled substance when it is under a defined amount. These arrests of persons in possession of a controlled substance will, more likely than not, come in the form of an officer intervention or contact. An individual being arrested will be issued a cite with a date and time to appear in Linn County Circuit Court and released in the field; an individual being arrested for DEM will generally not be taken to a jail facility, unless there are other crimes associated with the possession.

As defined within HB4002, all DEMs must be filed in Circuit Court where the subject who was issued the citation to appear will enter a deflection program. These programs are only meant for DEMs, not other misdemeanor or felony drug possession thresholds.

INTEGRITY, PROFESSIONALISM & TEAMWORK

Linn County is currently in the planning stage to implement a deflection program, with a projected start date of January 2025. The program is meant to allow drug users to “deflect” from the criminal justice system into a treatment program. Linn County’s current plan is to implement the deflection program following an officer intervention or contact with District Attorney diversion. Any individual arrested or cited for a first-time drug possession offense will be eligible for deflection, regardless of other prior criminal history.