

To all of the senate judiciary committee, testimony on SB 33

Dear Senator Eklund,

As of this date, April 22, 2019, you have received 63 written opponent testimonies and heard 12 oral opponent presentations in the Senate Hearings on this bill. On March 13 you received 6 proponent testimonies and heard two oral presentations. You must conclude at this point that there is exceptional opposition to this bill. In addition to the testimonies submitted I am sure your office has received numerous phone calls from citizens around the state with deep concerns about the implications of this bill if passed in the Senate and the House and becomes law.

I have heard from my senator, Frank Hoagland, and read from other comments that this bill will only affect those who break the law. The existing laws for criminal mischief and trespass already have fines and penalties from 1<sup>st</sup> to 5<sup>th</sup> degree misdemeanors for those who break the laws. Increasing the penalty and deepening the fines for those who allegedly commit these crimes are in this bill increased into the felony category.

The bill further intimidates organizations who work with community groups who organize protests against the infrastructure build outs in their communities such as pipelines, injection wells, frack pads and compressor stations, by fining the organization 10 times the fine of the individual.

This bill is not about securing any infrastructure. It is about CHILL. It should in fact be called the Chill Bill. You are an attorney, you KNOW what this bill represents!

*Chilling effect is a term in law and communication that describes a situation where a speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one's free speech.*

*In a legal context, a **chilling effect** is the inhibition or discouragement of the legitimate exercise of natural and legal rights by the threat of legal sanction.<sup>[1]</sup> The right that is most often described as being suppressed by a chilling effect is the US constitutional right to free speech. A chilling effect may be caused by legal actions such as the passing of a law, the decision of a court, or the threat of a lawsuit; any legal action that would cause people to hesitate to exercise a legitimate right (freedom of speech or otherwise) for fear of legal repercussions.*

Clearly this bill is an intimidation tactic designed to discourage protests, speaking out against any political body or politician on oil and gas issues. You all know that is what the bill is designed to do and you have read dozens of testimonies clarifying that fact. If you looked out in the hearing room you saw your constituents, or the constituents of your colleagues, who represented, league of women voters, faith based groups, national and local organizations who have represented the interests of citizens to protect them from the harms of health threats, taking of land by eminent domain, and the spoiling of our air and water by the only industry in the country exempt from the laws that normally would protect us., i.e. the Clean Water and Clean Air Acts.

You must as lawmakers make the right decision to chill this bill and not pass it out of committee.

Very sincerely,

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