



# LEGISLATIVE UPDATE

*From the capitol steps*



## OACP/OSSA LEGISLATIVE SESSION REPORT

SUBMITTED BY: KEVIN CAMPBELL, OACP-OSSA LOBBYIST, 3-21-2016

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### OACP and OSSA Members,

The 2016 Legislative Session was lightning fast, pressured and contentious. While there was potential for damaging outcomes, the results for the Oregon State Sheriffs' Association and the Oregon Association Chiefs of Police were largely positive. We were able to defeat bad legislation, remove problematic provisions from bills that passed and secure significant law enforcement appropriations for critical public safety agencies and programs.

**Report Contents:** The following is a detailed update regarding legislation passed during the 2016 Session that will impact your law enforcement agency. The report includes details regarding law enforcement budget appropriations along with key provisions of adopted legislation. When available, I am including the assigned 2016 Oregon Laws Chapter reference and effective dates. I will add information as it becomes available.

**Not a Legal Document:** While every attempt was made to insure that the information contained in this report is complete and accurate, this shouldn't be considered legal advice. As a result, please consult your city attorney or county counsel for guidance.

**Pay Attention to Effective Dates:** Please pay special attention to the effective dates contained in these measures. In a number of cases, these measures are already in effect.

**\*\*\* Please note regarding marijuana measures listed under the table of contents:** Rob Bovett, Associated Oregon Counties Chief Counsel created a number of resources that outline key provisions within the six separate marijuana measures that were passed during the 2016 Legislative Session along with guidance for implementation. As a result, this report will only briefly outline these measures and will refer OACP/OSSA members to Rob Bovett's resources. Pay special attention to changes to marijuana penalties. I'm including this document as an appendix to this report.

Thank you for the privilege of representing you!

A handwritten signature in blue ink, appearing to read "Kevin Campbell".

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## **✦ BUDGET APPROPRIATIONS (Key LE Programs)**

Despite concerns about the significant budget shortfalls expected during the 2017-19 Biennium, the budget appropriations for public safety priorities during the 2016 Legislative Session were very positive. After years of “across the board” cuts to agencies that disproportionately impacted public safety agencies and a lack of prioritizing public safety programs, the Ways and Means Committee changed course in 2016 and made critical appropriations without cuts. Here is a list of appropriations by agency. Please note that many of these appropriations were included in SB 5701, an omnibus funding bill called the budget reconciliation bill. For these appropriations, the specific section is identified next to the bill number below:

### **DEPARTMENT OF JUSTICE FUNDING**

#### **❖ SB 5701 (Section 20(5)): Special prosecutor for Elder Abuse Cases**

**Appropriation:** \$676,971

**Program Impact:** Provides funding to establish an elder abuse prevention program within the DOJ Criminal Justice Division and to add a special prosecutor for elder abuse cases.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 20\(5\)\)](#)

## DPSST FUNDING

### ❖ SB 5701 (Section 7): DPSST Center for Policing Excellence

**Appropriation:** \$959,000 (One-time grant funding)

**Program Impact:** Allows the Oregon Criminal Justice Commission to provide the DPSST Center for Policing Excellence with a grant to develop and disseminate research-based community policing skills and training.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 7\)](#)

### ❖ SB 5701(Section 33(1)): HIDTA Program Transfer to DPSST

**Appropriation:** \$2,497,563 (Rolls up into DPSST Budget for Future Budgets)

**Program Impact:** Transfers resources from the Oregon Department of Justice to the Department of Public Safety Standards and Training for the High Intensity Drug Trafficking Area program. As you know, HIDTA was moved from DOJ to DPSST where it is now housed on the public safety academy campus.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 33\(1\)\)](#)

### ❖ SB 5701 (Section 33(2)): DPSST Additional Basic Training Classes/Staffing

**Appropriation:** \$2,790,195 (Rolls up into DPSST Budget for Future Budgets)

**Program Impact:** Transfers resources from the Oregon Department of Justice to the Department of Public Safety Standards and Training for the High Intensity Drug Trafficking Area program. As you know, HIDTA was moved from DOJ to DPSST where it is now housed on the public safety academy campus.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 33\(2\)\)](#)

## OREGON STATE POLICE (OSP) FUNDING

### ❖ HB 4075: School Safety Tip Line Funding

**Appropriation:** \$1,000,000

**Program Impact:** Funding was appropriated to OSP to establish and operate a school safety tip line. This was one of the four key recommendations of the Oregon Task Force on School Safety report released in 2015.

**Enrolled Bill Link:** Click on: [HB 4075 Enrolled Bill \(Section 4\)](#)

### ❖ **SB 1571: OSP Forensic Services Funding for Sexual Assault Kit Testing**

**Appropriation:** \$1,500,000

**Program Impact:** The Oregon State Police received funding to increase capacity in the Forensic Services Division to process the backlog of untested sexual assault kits and to handle the flow of new kits that will be submitted based on the policy provisions of the measure.

**Enrolled Bill Link:** Click on: [SB 1571 Enrolled Bill \(Section 10\)](#)

### ❖ **SB 5701 (Section 113): OSP Firearms Instant Check System Funding**

**Appropriation:** \$1,000,000

**Program Impact:** Funding is allocated to the Oregon State Police to increase capacity within the Firearms Instant Check System Program.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 113\)](#)

## **HARNEY COUNTY OCCUPATION REIMBURSEMENT FUNDING**

### ❖ **SB 5701 (Section 109): State/Local Reimbursement for Occupation Expenses**

**Appropriation:** \$2,000,000

**Program Impact:** Funding is allocated to the Legislative Emergency Board for distribution to state agencies, or to state agencies for transfer to local government entities, for costs related to the armed occupation of the Malheur National Wildlife Refuge

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 109\)](#)

## **UMPQUA COMMUNITY COLLEGE SHOOTING FUNDING**

### ❖ **SB 5701 (Section 32 (1&2)): Umpqua Community College Shooting Funding**

**Appropriation:** \$6,500,000

**Program Impact:** One-time funding of grants to Umpqua Community College to add security staff, upgrade security features on campus and cover other costs related to the Oct. 1, 2015, tragedy. That funding also is to be used for construction or renovation of a replacement for Snyder Hall, where the shooting incident took place.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 31 \(1&2\)\)](#)

## ❖ SB 5701 (Section 72 (6)): Douglas County Public Safety Cost Reimbursement

**Appropriation:** \$200,000

**Program Impact:** One-time funding to reimburse the Douglas County Sheriffs' Office for expenses incurred during the Oct. 1<sup>st</sup>, 2015 shooting tragedy at Umpqua Community College.

**Enrolled Bill Link:** Click on: [SB 5701 Enrolled Bill \(See Section 31 \(1&2\)\)](#)

## ⚡ **BILLS THAT PASSED** (Signed into law by the Governor)

### ❖ HB 4003: Law Enforcement Profiling Work Group Extension

**Position:** Support

**Oregon Laws:** 2016 Oregon Laws, Chapter 4

**Effective Date:** March 1, 2016

**Enrolled Bill Link:** Click on: [HB 4003 Enrolled Bill](#)

**Comments:** We were able to avoid problematic provisions and to support a simple extension of the Work Group.

**Key Provisions:** HB 4003 extends the work of the Law Enforcement Profiling Work Group for an additional year until July 1<sup>st</sup>, 2017. As you know, Sheriff Jason Myers and Chief John Teague serve on this work group and additional expected recommendations are expected for the 2017 Legislative Session

### ❖ HB 4014: Marijuana (The Base Bill)

**Position:** Support as Amended

**Oregon Laws:** 2016 Oregon Laws, Chapter 24

**Effective Date:** March 3, 2016

**Enrolled Bill Link:** Click on: [HB 4014 Enrolled Bill](#)

**Comments:** HB 4014 is an 82 page bill that is the primary bill designed to continue the process of implementing marijuana legalization and to better integrate medical marijuana production within a seed to sale type of tracking system. Please note, changes to marijuana penalties in HB 4014 are in effect as of March 3<sup>rd</sup>, 2016

**Key Provisions:** \*\*\*See Rob Bovett: "Oregon Marijuana Laws – As amended during the 2016 Legislative Session."

## ❖ HB 4044: Pawnbroker Electronic Records

**Position:** Neutral

**Oregon Laws:** 2016 Oregon Laws, Chapter 24

**Effective Date:** March 3, 2016

**Enrolled Bill Link:** Click on: [HB 4014 Enrolled Bill](#)

**Key Provisions:** House Bill 4044 includes the following provisions:

- Allows all three registers (the general register, the Record of transaction with physical description, and the firearm register) to be kept in electronic form and delivered to the local police agency in electronic form
- Clarifies that a pawnbroker must continue to provide a register and record and not a register or record (adopted dash 2 amendment).
- Allows the pawnbroker to continue to provide the register in a physical or electronic form (adopted dash 2 amendments).

## ❖ HB 4046: Unlawful Taking or Killing of Wildlife Law Changes

**Position:** Monitor

**Oregon Laws:** 2016 Oregon Laws/Chapter (**waiting assignment**)

**Effective Date:** January 1, 2017

**Enrolled Bill Link:** Click on: [HB 4046 Enrolled Bill](#)

**Key Provisions:** House Bill 4046 includes the following provisions:

- Increases the damages the State Fish and Wildlife Commission may seek to recover through a suit involving the unlawful taking or killing of specified wildlife including prescribed mammals, birds and fish (see the legislation for specific increases to dollar amounts subject to recovery). The measure adds the gray wolf, black bear, cougar and sage grouse to the existing list.
  - Specifies that each taking or killing of a single animal constitutes separate unlawful taking or killing for purpose of the law.
  - Specifies that damage recovery suits are not applicable if the taking or killing occurred unintentionally when engaged in an otherwise lawful activity.
- Requires Oregon Fish and Wildlife Commission (Commission) to revoke all licenses, tags, and permits issued pursuant to wildlife laws for persons convicted of certain offenses including:
  - A Class A misdemeanor if the offense involves the illegal removal and use of wildlife parts or the unlawful taking of wildlife with the intent to sell, barter, trade, import or export the wildlife or parts.
  - A Class C felony for a second and subsequent conviction within a 10-year period for the taking of a raptor or game fish with a total value of \$200 or more or the taking of prescribed mammals with a culpable state that occurs at least one hour prior or after the season established for

lawful taking of wildlife.

- Prohibits a person from applying for or obtaining a license, tag, or permit if such license, tag, or permit is revoked for second time in ten-year period.
- Requires the court to order the seizure or forfeiture of all guns, boats, vehicles, traps, fishing apparatus, electronic devices and other implements upon a third conviction within a 10-year period for the violation of a provision of wildlife laws or rule adopted pursuant to wildlife laws.
- Prohibits a person from removing and utilizing the following parts from a carcass unless engaged in lawful trapping activities or utilizing game mammals/game birds identified as inedible by the State Fish and Wildlife Commission:
  - From the carcass of any game mammal or game bird, the head, antlers, horns, hide or plumage.
  - From the carcass of a black bear or cougar, the paws, gallbladder, sex organs or bones.
  - From the carcass of a sturgeon, salmon or steelhead, the eggs.

### ❖ **HB 4047: Speed Limit Increases for Certain Highways**

<b>Position:</b>	Neutral
<b>Oregon Laws:</b>	2016 Oregon Laws, Chapter 1
<b>Effective Date:</b>	March 1, 2016
<b>Enrolled Bill Link:</b>	Click on: <a href="#">HB 4047 Enrolled Bill</a>
<b>Key Provisions:</b>	House Bill 4047 increases speed limits for specific highways in addition to increases approved in 2015 through the passage of HB 3402. The measure increases the speed limit for two additional stretches of road including: <ul style="list-style-type: none"><li>• State Highway 197 from Klamath Falls to the California state line to 60 miles per hour for trucks and 65 miles per hour for cars, etc.; and</li><li>• Interstate 82 from the intersection with Interstate 84 and the Washington state line to 65 miles per hour for trucks and 70 miles per hour for cars, etc.</li></ul>

### ❖ **HB 4060: Marijuana (The Hemp Bill)**

<b>Position:</b>	Neutral
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	Effective upon Governor's Signature ( <b>Pending</b> )
<b>Enrolled Bill Link:</b>	Click on: <a href="#">HB 4060 Enrolled Bill</a>
<b>Comments:</b>	HB 4060 clarifies provisions related to the regulation of industrial hemp and provides that hemp products that are developed for human consumption must be tested per OHA rules.
<b>Key Provisions:</b>	***See Rob Bovett: "Oregon Marijuana Laws – As amended during the 2016 Legislative Session."



## ❖ **HB 4066: Unmanned Aircraft Systems (DRONES):**

**Position:** Support as Amended

**Oregon Laws:** 2016 Oregon Laws/Chapter (**waiting assignment**)

**Effective Date:** Effective upon Governor’s Signature (**Pending**)

**Enrolled Bill Link:** Click on: [HB 4066 Enrolled Bill](#)

**Bottom Line:** We successfully amended the bill to remove problematic provisions and to add provisions that are designed to protect critical infrastructure facilities. As originally drafted, the bill would have required a warrant for any drone use (including uses allowed under HB 2710/2013 Session; i.e. search and rescue, crash reconstruction and exigency) and required law enforcement agencies using drones to make a log of drone flight details available to the public on request. We removed these provisions.

**Key Provisions:** House Bill 4066 includes the following provisions:

- Changes terminology from “Drone” to “unmanned aircraft systems” (UAS).
- Creates a Class A misdemeanor if any person who intentionally, knowingly or recklessly operates UAS that is capable of firing bullet or projectile or otherwise operates as a dangerous weapon.
- Modifies the definition of UAS to apply to all flying machines, including model aircraft.
- Removes UASs from felony crime of endangering aircraft and creates new violation of reckless interference with aircraft.
- Requires law enforcement agencies utilizing drones to have a policy and procedures for use, storage, accessing, sharing, and retention of data collected through UAS operation and to make the policy available to the public upon request.
- Creates a Class A violation for intentionally or knowingly operating over a critical infrastructure facility or making contact with these facilities. The list includes correctional facilities and law enforcement facilities among several others.

## ❖ **HB 4075: School Safety Tip Line – Task Force on School Safety Extension**

**Position:** Support as Amended

**Oregon Laws:** 2016 Oregon Laws/Chapter (**waiting assignment**)

**Effective Date:** Effective upon Governor’s Signature (**Pending**)

**Enrolled Bill Link:** Click on: [HB 4075 Enrolled Bill](#)

**Bottom Line:** HB 4075 includes one of the four recommendations issued by the Oregon Task Force on School Safety in their 2015 Report.

**Key Provisions:** HB 4075 as amended includes the following key provisions:

- Appropriates \$1 million from General Fund to establish a tip line on school

safety within the Oregon State Police and repeals an existing tip line operated by Department of Justice.

- Requires the tip line to receive reports through telephone, text messaging, or electronic formats. Defines threats to student safety as harassment, intimidation, bullying, cyberbullying, threats of violence against others, and threats of suicide or self-harm regardless of geographic location.
- Requires OSP to adopt rules in consultation with state and local government behavioral health care providers on identification of a caller, logging reports received on the tip line, verifying authenticity of reports, and relaying reports to local service providers, local law enforcement and appropriate school district officials.
- Includes knowingly misreporting through tip line within crime of improper use of emergency communications system.
- Specifies tips are confidential, rather than anonymous.
- Requires the tip line be connected to other hotlines.
- Requires the tracking of referrals.
- Adds additional members to Task Force on School Safety for the Department of Education and Association of Oregon Community Mental Health Programs.
- Extends sunset of Task Force to December 31, 2019.

#### ❖ **HB 4082: Expanding Crime of Promoting Prostitution**

<b>Position:</b>	Support
<b>Oregon Laws:</b>	2016 Oregon Laws, Chapter 10
<b>Effective Date:</b>	January 1, 2017
<b>Enrolled Bill Link:</b>	Click on: <a href="#">HB 4082 Enrolled Bill</a>
<b>Key Provisions:</b>	House Bill 4082 adds new language to the description of the crime of promoting prostitution to include receiving or agreeing to receive goods, services, or something else of value that is derived from prostitution.

#### ❖ **HB 4094: Marijuana (The Banking Bill)**

<b>Position:</b>	Neutral
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	Effective upon Governor’s Signature ( <b>Pending</b> )
<b>Enrolled Bill Link:</b>	Click on: <a href="#">HB 4094 Enrolled Bill</a>
<b>Comments:</b>	HB 4094 removes state law barriers to banks serving marijuana business. This measure doesn’t change the reality that marijuana is still not legal on a federal level and directs DCBS to conduct a study to determine legislation necessary to facilitate the provision of financial services to marijuana businesses.
<b>Key Provisions:</b>	***See Rob Bovett: “Oregon Marijuana Laws – As amended during the 2016 Legislative Session.”

## ❖ **HB 4142A: Private Security Business Restriction re Police Agency Association**

<b>Position:</b>	Support
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	July 1, 2016
<b>Enrolled Bill Link:</b>	Click on: <a href="#">HB 4142 Enrolled Bill</a>
<b>Key Provisions:</b>	HB 4142 includes the following provisions: <ul style="list-style-type: none"><li>• Prohibits an entity that employs private security officers to use a name that implies the entity is, or is affiliated with, an existing law enforcement unit, public safety agency, organized militia, Armed Forces, or federal agency.</li><li>• Grandfather's private security business currently in operation from the restrictions in the bill.</li><li>• Provides rulemaking authority to the Board of Public Safety Standards and Training and authorized DPSST to take action prior to the operational date and as early as 3-14-2016</li></ul>

## ❖ **SB 1511: Marijuana (The Expanded Access Bill)**

<b>Position:</b>	Neutral
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	Effective upon Governor's Signature ( <b>Pending</b> )
<b>Enrolled Bill Link:</b>	Click on: <a href="#">SB 1511 Enrolled Bill</a>
<b>Comments:</b>	We were able to avoid problematic provisions and to support a simple extension of the Work Group.
<b>Key Provisions:</b>	***See Rob Bovett: "Oregon Marijuana Laws – As amended during the 2016 Legislative Session."

## ❖ **SB 1513: LODD Homestead Tax Exemption for Surviving Spouse (Fire and Police)**

<b>Position:</b>	Support
<b>Oregon Laws:</b>	2016 Oregon Laws, Chapter 56
<b>Effective Date:</b>	June 2 <sup>nd</sup> , 2016
<b>Enrolled Bill Link:</b>	Click on: <a href="#">SB 1513 Enrolled Bill</a>
<b>Comments:</b>	Senator Fred Girod (R-Stayton) introduced this measure to provide additional assistance to the surviving spouses of police officers and firefighters.
<b>Key Provisions:</b>	SB 1513A includes the following key provisions: <ul style="list-style-type: none"><li>• Allows a county, by ordinance or resolution, to exempt the first \$250,000 of assessed value of homesteads of surviving spouses of a fire service professional, police officer or reserve officer killed in the line of duty.</li><li>• Provides that the benefit only continues while the surviving spouse remains</li></ul>

- unmarried.
- Applies the exemption to all ad valorem property taxes imposed by all taxing jurisdictions on the homestead.
- Defines a homestead as real or personal property that is an owner-occupied primary residence and tax lot upon which the dwelling is located.
- Requires the surviving spouse seeking the exemption to file an application with the county assessor by the required date and on a form prescribed by the Department of Revenue.

### ❖ SB 1567: Crime of Criminal Impersonation

**Position:** Support

**Oregon Laws:** 2016 Oregon Laws, Chapter 22

**Effective Date:** January 1<sup>st</sup>, 2017

**Enrolled Bill Link:** Click on: [SB 1567 Enrolled Bill](#)

**Key Provisions:** SB 1567 includes the following key provisions:

- Creates the crime of personal impersonation if:
  - The person intends to injure a person by intentionally impersonating them in a communication to a third person without their consent.
  - The person acts with the intent to deceive the third person into believing that the third person is communicating with the individual.
  - A reasonable person in the circumstances of the third person would believe that the third person is communicating with the individual
  - The impersonation causes injury to the individual.
- Defines injury to include intimidation, threats, harassment or physical harm.
- Provides that criminal impersonation is a Class A Misdemeanor
- Provides a plaintiff with a statutory private right of action for the recovery of compensatory damages from any person who commits criminal impersonation including prevailing party costs and reasonable attorney fees.
- Clarifies that the definition of “public servant” includes an active member or veteran of the Armed Forces of the United States for purposes of the crime criminal impersonation of a public servant.

### ❖ SB 1571: Untested Sexual Assault Kits

**Position:** Support as amended

**Oregon Laws:** 2016 Oregon Laws/Chapter (**waiting assignment**)

**Effective Date:** Effective upon Governor’s Signature (**Pending**)  
**Note: Police Agency Policy Adoption Deadline 1-1-2017**

**Enrolled Bill Link:** Click on: [SB 1571 Enrolled Bill](#)

**Bottom Line:** We were able to remove a number of problematic provisions in the measure and limit prescriptive parts of the policy requirements. Untested Sexual Assault Kits are a national issue and Oregon law enforcement is taking an aggressive

approach to partner with other stakeholders to address the problem.

**Key Provisions:**

SB 1571 as amended includes the following provisions:

- Directs Department of State Police to adopt rules on prioritization of testing untested sexual assault forensic evidence kits and to test all kits that are not anonymous.
- Directs OSP to report to the interim Judiciary Committees of the Legislative Assembly by January 15 of each year to include progress made on untested sexual assault forensic evidence kits, number of new kits received, number of kits tested in previous year, and number of remaining untested kits in the possession of OSP.
- Directs OSP to provide a report to the interim Judiciary Committees of the Legislative Assembly on progress of entering results into CODIS by July 1, 2019.
- Directs every law enforcement agency in Oregon to adopt policies and procedures regarding collection, testing, retention and destruction of sexual assault forensic evidence kits.
  - Mandates that the procedures be in writing and made available to public when requested.
  - Specifies the following minimum requirements of policy to include:
    - A time limit by which the law enforcement agency must obtain a sexual assault forensic evidence kit from a medical facility that is within seven days after the medical facility notifies the agency that the kit has been collected.
    - A time limit by which a sexual assault forensic evidence kit must be submitted to the Department of State Police for testing that is within 14 days after taking possession of the kit from a medical facility.
    - A requirement that the law enforcement agency submit to the department information sufficient to allow the department to prioritize the testing of a sexual assault forensic evidence kit according to the rules of the department.
    - A prohibition on the submission of an anonymous kit to the department for testing.
    - A requirement that all sexual assault forensic evidence kits, including anonymous kits, be retained for no less than 60 years after the collection of the evidence.
    - A requirement that the agency designate at least one person within the agency to receive all telephone inquiries concerning sexual assault forensic evidence kits and to serve as a liaison between the agency and the Department of State Police.
    - A requirement that person(s) designated to handle victim inquiries respond to victim requests concerning their SAFE kit in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry.
    - Provisions allowing the agency to decline to provide information that interferes with the investigation or prosecution of a case.
    - A procedure that allows a sexual assault victim to provide the agency with written authorization for a designee to access information on the victim's behalf.

- Provisions allowing a victim to contact the agency to request that an untested non-anonymous kit be reclassified as an anonymous kit, or an untested anonymous kit be reclassified as a non-anonymous kit, and a requirement that the agency notify OSP of the reclassification.
- Prohibits contact between victim with the forensic lab.
- Establishes the Task Force on the Testing of Sexual Assault Forensic Evidence Kits and specifies the membership and charge of Task Force.

### ❖ SB 1598: Marijuana (The Omnibus “Christmas Tree” Bill)

<b>Position:</b>	Neutral with Amendments
<b>Oregon Laws:</b>	2016 Oregon Laws, Chapter 23
<b>Effective Date:</b>	March 3, 2016
<b>Enrolled Bill Link:</b>	Click on: <a href="#">SB 1598 Enrolled Bill</a>
<b>Summary:</b>	SB 1598 includes provisions beyond the base legislation passed in HB 4014.
<b>Key Provisions:</b>	***See Rob Bovett: “Oregon Marijuana Laws – As amended during the 2016 Legislative Session.”

### ❖ SB 1600: Rape Statute of Limitations Extension

<b>Position:</b>	Support
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	January 1, 2017: Applies to offenses before/on/after the effective date
<b>Enrolled Bill Link:</b>	Click on: <a href="#">SB 1600 Enrolled Bill</a>
<b>Comments:</b>	The provisions to extend the Statute of Limitations for first degree sex crimes based on the presence of certain elements were removed from SB 1553 (omnibus crime bill) and reintroduced at SB 1600.
<b>Current Provisions:</b>	<p>SB 1600 includes the following provisions:</p> <ul style="list-style-type: none"> <li>• Allows for an unlimited statute of limitation on first degree sex crimes when a prosecuting attorney receives additional corroborative evidence of a crime.</li> <li>• Specifies that the additional corroborative evidence can be physical evidence other than a DNA sample, confession of crime, oral or written statements made in temporal proximity to the crime and a report made by a different victim alleging a defendant committed a substantially similar crime.</li> <li>• Requires the prosecuting attorney to present any evidence that may reasonably negate the guilt of a defendant.</li> </ul>

## ❖ SB 1601: Marijuana (Tax Provision Bill)

<b>Position:</b>	Neutral
<b>Oregon Laws:</b>	2016 Oregon Laws/Chapter ( <b>waiting assignment</b> )
<b>Effective Date:</b>	Effective upon Governor's Signature ( <b>Pending</b> )
<b>Enrolled Bill Link:</b>	Click on: <a href="#">SB 1601 Enrolled Bill</a>
<b>Comments:</b>	SB 1601 includes provisions that prohibit a marijuana retailer may not collect tax from medical cardholder, and clarifies that the local option sales tax does not apply to medical marijuana. Further, the bill clarifies the responsibilities and limits relating to administering the tax on retail marijuana.
<b>Key Provisions:</b>	***See Rob Bovett: "Oregon Marijuana Laws – As amended during the 2016 Legislative Session."

## ⚡ **BILLS THAT FAILED (MEASURES THAT FAILED TO PASS)**

### ❖ HB 4087A: Officer Threat Protective Order

<b>Position:</b>	Oppose
<b>Bottom Line:</b>	This bill was introduced as a measure that would have prevented police agencies from taking disciplinary action or BPSST taking certification action based on "unproven allegations" or on the basis of an officer being placed on a Brady list. We successfully killed this Brady proposal and we now support the bill with an amendment that completely replaces the original language to protect the identity of an officer/officers family when a credible death threat is proven.
<b>Status:</b>	<b>DEAD: Failed to Pass</b>

### ❖ HB 4116: Task Force on County Jail Inmate Health Care Coverage

<b>Position:</b>	Support
<b>Bottom Line:</b>	Representative Jim Weidner (McMinnville) introduced this measure to support efforts to address the need to seek a remedy for the loss of health care coverage once someone is in the custody of the jail. The barrier to jail inmate health care coverage is primarily a federal issue and a task force would not solve the problem. A work group of key stakeholders should convene to identify and pursue a federal solution.
<b>Status:</b>	<b>DEAD: Failed to Pass</b>

### ❖ **HB 4130A: Public Records Policy and Retention Schedules**

**Position:** Neutral with Amendments

**Bottom Line:** The original measure included a number of problematic provisions including a maximum of \$30 dollars per hour reimbursement for fulfilling public records requests to replace the current law allowing recovery of reasonable cost.

**Status:** **DEAD: Failed to Pass**

### ❖ **HB 4147A: Firearm Transfer – Qualification Determination Time Extension**

**Position:** No Position

**Bottom Line:** This measure attempts to address cases where OSP is unable to determine if a person attempting to purchase a firearm is qualified to receive it within the 3 day period currently established in Oregon Law. The A-Engrossed version of the bill would have extended the number of days to 10.

**Status:** **DEAD: Failed to Pass**

### ❖ **SB 1510B: Mobile Communication Device Fix Amendment**

**Position:** Support

**Bottom Line:** No appropriate relating clause was available to address problems created by a Court of Appeals ruling on ORS 811.507 (Mobile Communication Devices) in the case of State v, Rabanales-Ramos that is resulting in numerous citations being dismissed in courts around the state. We offered a dash 4 amendment to SB 1510 but the bill was not available to amend because it was needed for its original purpose. We will pursue a fix during the 2017 Legislative Session.

**Status:** **DEAD: Failed to Pass**

### ❖ **SB 1550A: Grand Jury Recordation**

**Position:** Under Review

**Bottom Line:** For the second session in a row, efforts to require all grand jury proceedings to be recorded failed to move forward. District Attorney's and victims groups actively opposed the measure. Concerns over the cost impact on the court system to implement the measure along with concerns about negative impact on victims and citizens serving on grand juries contributed to problems with the bill. In addition, groups concerned with the provisions of the bill questioned the meaningful nature of negotiations to reach consensus.

**Status:** **DEAD: Failed to Pass**



## ❖ SB 1553B: Crime Omnibus Bill – Rape Statute of Limitations, Other provisions

**Position:** Support

**Bottom Line:** With one of the broadest relating clauses, a number of unrelated policy provisions can be included in a single measure. In this case, the measure included an unlimited statute of limitation in rape cases based on strict parameters after the current 12 year period concludes. The bill also created an assault in the third degree crime for causing serious physical injury to a vulnerable road user by means of a motor vehicle with criminal negligence (crime category 4). The measure also created a public disclosure exemption for images of death as part of a law enforcement investigation if release of images would constitute an unreasonable invasion of privacy of deceased person's family. SB 1553 B would also have required a party seeking disclosure to show by clear and convincing evidence that the disclosure is not an unreasonable invasion of privacy. The rape statute of limitations provisions were amended into SB 1600 and were adopted.

**Status:** **DEAD: Failed to Pass**

## ❖ SB 1555A: Pre-Employment Polygraph for Law Enforcement Hiring

**Position:** Support

**Bottom Line:** SB 1555A, as amended, permitted law enforcement agencies to utilize a polygraph examination as a pre-employment screening measure (subject to applicable collective bargaining agreement) before a person's initial full-time employment as a peace officer. The measure would have prohibited employers from requiring or requesting polygraph examinations of peace officers any time, for any reason after they've been hired and would have exempted documents, materials and other information relating to polygraph tests from public records disclosure under ORS 192.505.

**Status:** **DEAD: Failed to Pass**

## ❖ SB 1556: Definition of Physical Injury

**Position:** Support

**Bottom Line:** SB 1556, as introduced, modified the definition of physical injury to include physical trauma for a vulnerable victim (dependent or elderly person). Physical trauma would include fractures, cuts, punctures, bruises, burns or other wounds. An amendment forwarded by ODAA would have applied the bill only to dependent persons and would have amended the Assault in the Fourth Degree, Assault in the Third Degree and Intimidation to include crimes of intentionally or knowingly causing physical injury to a vulnerable victim. The amendment wasn't adopted and the bill didn't move forward.

**Status:** **DEAD: Failed to Pass**

## ⚡ APPENDIX (ADDITIONAL RESOURCES)

### ❖ New Oregon Marijuana Offenses (Integrating 2016 Legislative Changes):

## 2016 Edition CREATED BY ROB BOVETT, AOC CHIEF COUNSEL UPDATED - March 16, 2016

### Summary

#### Unlawful possession of marijuana

##### Person under 21

##### Marijuana MIP

Attempting to purchase, purchase, or  
acquire, including accepting or  
consuming within past 24 hours      B Viol      ORS 475B.260

##### Possession of more than an adult could lawfully possess, where an adult could lawfully possess:

> 1 oz in public place  
> 4 plants  
> 8 oz                                      A Misd      2016 c.24 §47\*\*  
> 16 oz solid products  
> 72 oz liquid products  
> 1 oz of extracts

##### Person 21 and older

> 1 oz in public place  
> 4 plants  
> 8 oz                                      *See immediately below*  
> 16 oz solid products  
> 72 oz liquid products  
> 1 oz of extracts

Not > 2 times the amount      B Viol      ORS 475.864(2)(c)  
> 2 times the amount              B Misd      ORS 475.864(2)(b)  
> 4 times the amount              A Misd      ORS 475.864(2)(a)

##### Extract not purchased from OLCC retailer

Not > ¼ ounce                      B Misd      ORS 475.864(3)(b)  
> ¼ ounce                              C Fel        ORS 475.864(3)(a)

#### Unlawful delivery of marijuana

To person < 18 by person 21 or older\*      C Fel      ORS 475.860(3)(a)

\* Unless to person 16 or older by person

under 24, for no consideration      A Misd      ORS 475.860(4)

Extract not purchased from retailer      C Fel      ORS 475.860(3)(b)

All other (except personal allowance)      A Misd      ORS 475.860(2)

#### Unlawful delivery of marijuana within 1,000 feet of a school

To person < 18 by person 20 or older      B Fel      ORS 475.862(3)(a)

To person < 18 by person < 18              A Misd      ORS 475.862(3)(c)

Extract not purchased from retailer      B Fel      ORS 475.862(3)(b)

All other (except personal allowance)	C Fel	ORS 475.862(2)
<b>Unlawful manufacture of marijuana</b>		
> 4 but < 8 plants at household	B Misd	ORS 475.856(3)(a)
Any homemade extract	B Fel	ORS 475.856(3)(b)
All other (except personal allowance)	C Fel	ORS 475.856(2)
<b>Unlawful manufacture of marijuana within 1,000 feet of a school</b>		
> 8 plants at household	B Fel	ORS 475.858(3)(a)
Any homemade extract	A Fel	ORS 475.858(3)(b)
All other (except personal allowance)	C Fel	ORS 475.858(2)
<b>Unlawful import or export of marijuana</b>		
> 16 oz	C Fel	ORS 475B.185(2)(b)(B)
By OLCC licensee for consideration	C Fel	ORS 475B.185(2)(b)(A)
> 1 oz	A Misd	ORS 475B.185(3)(b)(B)
By OLCC licensee for no consideration	A Misd	ORS 475B.185(3)(b)(A)
All other	B Viol	ORS 475B.185(2)
<b>Use of marijuana in a motor vehicle</b>	B Viol	2016 c.24 §49**
<b>Driving while under the influence of intoxicants</b> (unamended by Measure 91 or subsequent legislation)		
	A Misd	ORS 813.010
	C Fel	ORS 813.010(5)
		ORS 813.011
<b>Use of minor in controlled substance offense</b> (unamended by Measure 91 or subsequent legislation)		
Manufacture, transport, delivery		
< 5 grams for no consideration	A Misd	ORS 167.262(1)/(2)(b)
Other	A Fel	ORS 167.262(1)/(2)(a)
<b>Producing, processing, or storing marijuana in public view</b>	B Viol	ORS 475B.250
<b>Using marijuana in public place</b>	B Viol	ORS 475B.280
<b>Proving false identification of age</b>	A Misd	ORS 475B.265(1)/315(1)
<b>Providing to visibly intoxicated person</b>	A Misd	ORS 475B.270(1)/315(1)
<b>Allowing consumption by minor on prop</b>	A Misd	ORS 475B.270(2)/315(1)
<b>Processing extract into another product</b>	A Misd	ORS 475B.255/315(1)
<b>Giving marijuana item as prize</b>	A Misd	ORS 475B.275/315(1)

\*\* "2016 c.24" is 2016 Oregon Laws, chapter 24, also known as Enrolled House Bill 4014.

#### Selected Definitions

**475B.005 Definitions for ORS 475.005 to 475.285 and 475.752 to 475.980.** As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires otherwise: \* \* \*

(16) "Marijuana":

(a) Except as provided in this subsection, means all parts of the plant Cannabis family Moraceae, whether growing or

not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

(b) Does not mean the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(c) Does not mean industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.\* \* \*

**475B.015 Definitions for ORS 475B.010 to 475B.395.** As used in ORS 475B.010 to 475B.395:

(1) **“Cannabinoid”** means any of the chemical compounds that are the active constituents of marijuana.

(2) **“Cannabinoid concentrate”** means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

(b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

(c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or

(d) Any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

(3) **“Cannabinoid edible”** means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

(4) **“Cannabinoid extract”** means a substance obtained by separating cannabinoids from marijuana by:

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or

(c) Any other process identified by the commission, in consultation with the authority, by rule.

(5)(a) **“Cannabinoid product”** means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers.

(b) **“Cannabinoid product”** does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate by itself;

(C) A cannabinoid extract by itself; or

(D) Industrial hemp, as defined in ORS 571.300.\* \* \*

(7)(a) **“Financial consideration”** means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.

(b) **“Financial consideration”** does not include marijuana, cannabinoid products or cannabinoid concentrates that are delivered within the scope of and in compliance with ORS 475B.245.

(8) **“Homegrown”** means grown by a person 21 years of age or older for noncommercial purposes.

(9) **“Household”** means a housing unit and any place in or around a housing unit at which the occupants of the housing unit are producing, processing, possessing or storing homegrown marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(10) **“Housing unit”** means a house, an apartment or a mobile home, or a group of rooms or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

(11) **“Immature marijuana plant”** means a marijuana plant that is not flowering.

(12) **“Licensee”** means a person who holds a license issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110.

(13) **“Licensee representative”** means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

(14)(a) **“Marijuana”** means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) **“Marijuana”** does not include industrial hemp, as defined in ORS 571.300.

(15) **“Marijuana flowers”** means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

(16) **“Marijuana items”** means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(17) **“Marijuana leaves”** means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

\* \* \*

(22) **“Mature marijuana plant”** means a marijuana plant that is not an immature marijuana plant.

\* \* \*

(25) **“Noncommercial”** means not dependent or conditioned upon the provision or receipt of financial consideration.

\* \* \*

(30) **“Public place”** means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and areas used in connection with public passenger

transportation.

- (31)(a) **“Usable marijuana”** means the dried leaves and flowers of marijuana.
- (b) **“Usable marijuana”** does not include:
  - (A) The seeds, stalks and roots of marijuana; or
  - (B) Waste material that is a by-product of producing or processing marijuana.

### **Exemptions**

**475B.245 Applicability of licensing provisions to marijuana and cannabinoid products and concentrates.** ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045, 475B.050, 475B.055, 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.075, 475B.090, 475B.100, 475B.110, 475B.115, 475B.125, 475B.130, 475B.135, 475B.140, 475B.145, 475B.150, 475B.160, 475B.165, 475B.170, 475B.180, 475B.190, 475B.195, 475B.200, 475B.205, 475B.210, 475B.215, 475B.218, 475B.230, 475B.233, 475B.235, 475B.240, 475B.325, 475B.330, 475B.335, 475B.340, 475B.345, 475B.350, 475B.353, 475B.355, 475B.358, 475B.360, 475B.365, 475B.370 and 475B.373 and sections 2, 3, 4 and 5, 2016 Enrolled Senate Bill 1511 do not apply:

- (1) To the production or storage of homegrown marijuana at a household by one or more persons 21 years of age and older, if the total amount of homegrown marijuana at the household does not exceed four marijuana plants at any time.
- (2) To the possession or storage of usable marijuana items at a household by one or more persons 21 years of age or older, if the total amount of usable marijuana at the household does not exceed eight ounces of usable marijuana at any time.
- (3) To the making, processing, possession or storage of cannabinoid products at a household by one or more persons 21 years of age and older, if the total amount of cannabinoid products at the household does not exceed 16 ounces in solid form at any time.
- (4) To the making, processing, possession or storage of cannabinoid products at a household by one or more persons 21 years of age and older, if the total amount of cannabinoid products at the household does not exceed 72 ounces in liquid form at any time.
- (5) To the making, processing, possession or storage of cannabinoid concentrates at a household by one or more persons 21 years of age or older, if the total amount of cannabinoid concentrates at the household does not exceed 16 ounces at any time.
- (6) To the possession of cannabinoid extracts at a household by one or more persons 21 years of age or older, if the cannabinoid extracts were purchased from a marijuana retailer that holds a license under ORS 475B.110, or transferred by a medical marijuana dispensary registered by the Oregon Health Authority under ORS 475B.450, and the total amount of cannabinoid extracts at the household does not exceed one ounce at any time.
- (7) To the delivery of not more than one ounce of usable marijuana at a time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.
- (8) To the delivery of not more than 16 ounces of cannabinoid products in solid form at a time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.
- (9) To the delivery of not more than 72 ounces of cannabinoid products in liquid form at a time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.
- (10) To the delivery of not more than 16 ounces of cannabinoid concentrates at a time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

### **Offenses**

**2016 c.24 §41 Definitions for ORS 475.856, 475.858, 475.860, 475.862 and 475.864 and 2016 c.24 §47.** As used in ORS 475.856, 475.858, 475.860, 475.862 and 475.864 and section 47 of this 2016 Act, “cannabinoid concentrate,” “cannabinoid extract,” “cannabinoid product,” “homegrown,” “licensee,” “licensee representative,” “marijuana retailer,” “public place” and “usable marijuana” have the meanings given those terms in ORS 475B.015.

**475.864 Unlawful possession of marijuana or marijuana product; exceptions.** (1) Except for licensees and licensee representatives acting in accordance with ORS 475B.010 to 475B.395, and any rule adopted under ORS 475B.010 to 475B.395, it is unlawful for any person 21 years of age or older knowingly or intentionally to possess:

- (a) An amount of marijuana plants in excess of the amount of marijuana plants allowed under ORS 475B.245 (1).
  - (b) More than one ounce of usable marijuana in a public place.
  - (c) More than eight ounces of usable marijuana.
  - (d) More than 16 ounces of cannabinoid products in solid form or cannabinoid concentrates.
  - (e) More than 72 ounces of cannabinoid products in liquid form.
  - (f) More than one ounce of cannabinoid extracts.
  - (g) A cannabinoid extract that was not purchased from a marijuana retailer that holds a license under ORS 475B.110.
- (2) A violation of subsection (1)(a) to (f) of this section is a:
- (a) Class A misdemeanor, if the amount possessed is more than four times the applicable maximum amount specified in subsection (1)(a) to (f) of this section;

- (b) Class B misdemeanor, if the amount possessed is more than two times, but not more than four times, the applicable maximum amount specified in subsection (1)(a) to (f) of this section; or
- (c) Class B violation, if the amount possessed is not more than two times the applicable maximum amount specified in subsection (1)(a) to (f) of this section.
- (3) A violation of subsection (1)(g) of this section is a:
  - (a) Class C felony, if the amount possessed is more than one-quarter ounce of cannabinoid extract; or
  - (b) Class B misdemeanor, if the amount possessed is not more than one-quarter ounce of cannabinoid extract.

**2016 c.24 §47 Unlawful possession of marijuana or marijuana product by person under 21.** Except for licensees and licensee representatives acting in accordance with ORS 475B.010 to 475B.395, and any rule adopted under ORS 475B.010 to 475B.395, it is unlawful for any person under 21 years of age to knowingly or intentionally possess:

- (a) An amount of marijuana plants in excess of the amount of marijuana plants allowed under ORS 475B.245 (1).
  - (b) More than one ounce of usable marijuana in a public place.
  - (c) More than eight ounces of usable marijuana.
  - (d) More than 16 ounces of cannabinoid products in solid form or cannabinoid concentrates.
  - (e) More than 72 ounces of cannabinoid products in liquid form.
  - (f) More than one ounce of cannabinoid extracts.
  - (g) A cannabinoid extract that was not purchased from a marijuana retailer that holds a license under ORS 475B.110.
- (2) A violation of this section is a Class A misdemeanor.

**475B.260 Prohibition against person under 21 years of age attempting to purchase, purchasing or acquiring marijuana item; penalty.** (1)(a) A person under 21 years of age may not attempt to purchase, purchase or acquire a marijuana item.

(b) For purposes of this subsection, purchasing a marijuana item includes accepting a marijuana item, and acquiring a marijuana item includes consuming a marijuana item, provided that the consumption of the marijuana item occurred no more than 24 hours before the determination that the person consumed the marijuana item.

(2) Except as authorized by the Oregon Liquor Control Commission by rule, or as necessary in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of persons under 21 years of age.

(3) A person who violates subsection (1) or (2) of this section commits a Class B violation.

(4) In addition to and not in lieu of any other penalty established by law, a court may require a person under 21 years of age who violates subsection (1) of this section through misrepresentation of age to perform community service, and the court may order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

(5) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

(6) In addition to and not in lieu of any penalty established by law, the court may order a person to undergo assessment and treatment if the person has previously been found to have violated this section.

(7) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the commission or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

(8) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

(9)(a) A person under 21 years of age is not in violation of, and is immune from prosecution under, this section if:

(A) The person contacted emergency medical services or a law enforcement agency in order to obtain medical assistance for another person who was in need of medical assistance because that person consumed a marijuana item and the evidence of the violation of this section was obtained as a result of the person's having contacted emergency medical services or a law enforcement agency; or

(B) The person was in need of medical assistance because the person consumed a marijuana item and the evidence of the violation of this section was obtained as a result of the person's having sought or obtained the medical assistance.

(b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result of a person's having sought medical assistance in proceedings for crimes or offenses other than a violation of this section.

**475.860 Unlawful delivery of marijuana; exceptions.** (1) Except for licensees and licensee representatives that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS 475B.245, it is

unlawful for any person to deliver marijuana.

(2) Unlawful delivery of marijuana is a Class A misdemeanor.

(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a Class C felony, if:

(a) A person who is at least 21 years of age delivers the marijuana to a person who is under 18 years of age.

(b) A person delivers marijuana extracts that were not purchased from a marijuana retailer that holds a license under ORS 475B.110.

(4) Notwithstanding subsection (3)(a) of this section, unlawful delivery of marijuana is a Class A misdemeanor if a person who is under 24 years of age delivers, for no consideration, less than one ounce of usable marijuana to a person who is at least 16 years of age.

**475.862 Unlawful delivery of marijuana within 1,000 feet of school; exceptions.** (1) Except for licensees and licensee representatives that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS 475B.245, it is unlawful for any person to deliver marijuana within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

(2) Unlawful delivery of marijuana within 1,000 feet of a school is a Class C felony.

(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana within 1,000 feet of a school is a:

(a) Class B felony, if a person who is at least 21 years of age delivers the marijuana to a person who is under 18 years of age.

(b) Class B felony, if a person delivers marijuana extracts that were not purchased from a marijuana retailer that holds a license under ORS 475B.110.

(c) Class A misdemeanor, if a person who is under 18 years of age delivers the marijuana for no consideration to a person who is under 18 years of age.

**475.856 Unlawful manufacture of marijuana; exceptions.** (1) Except for licensees and licensee representatives that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS 475B.245, it is unlawful for any person to manufacture marijuana.

(2) Unlawful manufacture of marijuana is a Class C felony.

(3) Notwithstanding subsection [(3)] (2) of this section, unlawful manufacture of marijuana is a:

(a) Class B misdemeanor, if a person 21 years of age or older manufactures homegrown marijuana at a household and the total number of homegrown marijuana plants at the household exceeds four marijuana plants but does not exceed eight marijuana plants.

(b) Class B felony, if a person manufactures a cannabinoid extract.

**475.858 Unlawful manufacture of marijuana within 1,000 feet of school; exceptions.** 475.858.

(1) Except for licensees and licensee representatives that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS 475B.245, it is unlawful for any person to manufacture marijuana within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

(2) Unlawful manufacture of marijuana within 1,000 feet of a school is a Class C felony.

(3) Notwithstanding subsection (2) of this section, unlawful manufacture of marijuana within 1,000 feet of a school is:

(a) Class B felony, if a person manufactures homegrown marijuana at a household and the total number of homegrown marijuana plants at the household exceeds eight marijuana plants.

(b) Class A felony, if a person manufactures a cannabinoid extract.

**475B.185 Prohibition against importing or exporting marijuana items.** (1) A person may not import marijuana items into this state or export marijuana items from this state.

(2) Except as provided in subsection (3) of this section, a violation of this section is a Class B violation.

(3) A violation of this section is a:

(a) Class C felony, if the importation or exportation:

(A) Is for consideration and the person holds a license under ORS 475B.070, 475B.090, 475B.100 or 475B.110; or

(B) Concerns usable marijuana and the importation or exportation exceeds 16 ounces of usable marijuana.

(b) Class A misdemeanor, if the importation or exportation:

(A) Is not for consideration and the person holds a license under ORS 475B.070, 475B.090, 475B.100 or 475B.110; or

(B) Concerns usable marijuana and the importation or exportation exceeds one ounce of usable marijuana.

**2016 c.24 §49 Unlawful use of marijuana in a motor vehicle; penalty.** (1) As used in this section:

(a) "Consumes" includes the inhalation of smoke from a marijuana item by a driver or passenger of a motor vehicle.

(b) "Marijuana item" has the meaning given that term in ORS 475B.015.

(2) A person commits the offense of use of marijuana in a motor vehicle if the person consumes in any manner a marijuana item while in a motor vehicle when the motor vehicle is upon a highway.

(3) This section does not apply to passengers in a motor vehicle that is operated by a common carrier and used

primarily to carry passengers for hire.

(4) Use of marijuana in a motor vehicle, is a Class B traffic violation.

**475B.250 Prohibition against producing, processing or storing homegrown marijuana or cannabinoid products or concentrates in public view.** (1) A person may not produce, process, possess or store homegrown marijuana, cannabinoid products or cannabinoid concentrates if the homegrown marijuana, cannabinoid products or cannabinoid concentrates can be seen by normal unaided vision from a public place.

(2) A person may not possess or store a cannabinoid extract if the cannabinoid extract can be seen by normal unaided vision from a public place.

(3) A violation of subsection (1) or (2) of this section is a Class B violation.

**475B.280 Prohibition against using marijuana item in public place.** (1) It is unlawful for any person to engage in the use of marijuana items in a public place.

(2) A violation of subsection (1) of this section is a Class B violation.

**475B.255 Prohibition against processing cannabinoid extracts into a cannabinoid product.** A person other than a person that holds a license under ORS 475B.090 may not process cannabinoid extracts into a cannabinoid product.

**475B.265 Prohibition against producing identification that falsely indicates age; protections for licensees and licensee representatives that rely on identification that falsely indicates age.** (1) A person may not produce any piece of identification that would falsely indicate the person's age.

(2) If a piece of identification is offered as evidence in any administrative or criminal prosecution of a licensee or licensee representative for sale or service of a marijuana item to a person under 21 years of age, the licensee or licensee representative is not guilty of any offense prohibiting a person from selling or serving a marijuana item to a person under 21 years of age unless it is demonstrated that a reasonable person would have determined that the identification exhibited by the person under 21 years of age was altered or did not accurately describe the person under 21 years of age to whom the marijuana item was sold or served.

**475B.270 Prohibition against selling, giving or making available marijuana item to person who is visibly intoxicated; prohibition against providing marijuana item to person under 21 years of age on private real property.** (1) A person may not sell, give or otherwise make available any marijuana item to a person who is visibly intoxicated.

(2)(a) A person who exercises control over private real property may not knowingly allow a person under the age of 21 years to consume marijuana items on the property, or allow any other person under the age of 21 years to remain on the property if the person under the age of 21 years consumes marijuana items on the property.

(b) This subsection:

(A) Applies only to a person who is present and in control of the location at the time the consumption occurs; and

(B) Does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual housing unit in which the owner or agent resides.

**475B.275 Prohibition against giving marijuana item as prize.** A marijuana item may not be given as a prize, premium or consideration for a lottery, contest, game of chance, game of skill or competition of any kind.

**475B.315 Criminal penalty for violating ORS 475B.010 to 475B.395.** (1) Except where other punishment is specifically provided for in ORS 475B.010 to 475B.395, violation of any provision of ORS 475B.010 to 475B.395 is a Class A misdemeanor.

(2) Subject to ORS 153.022, violation of a rule adopted under ORS 475B.025 (2)(d) is a Class C violation.



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