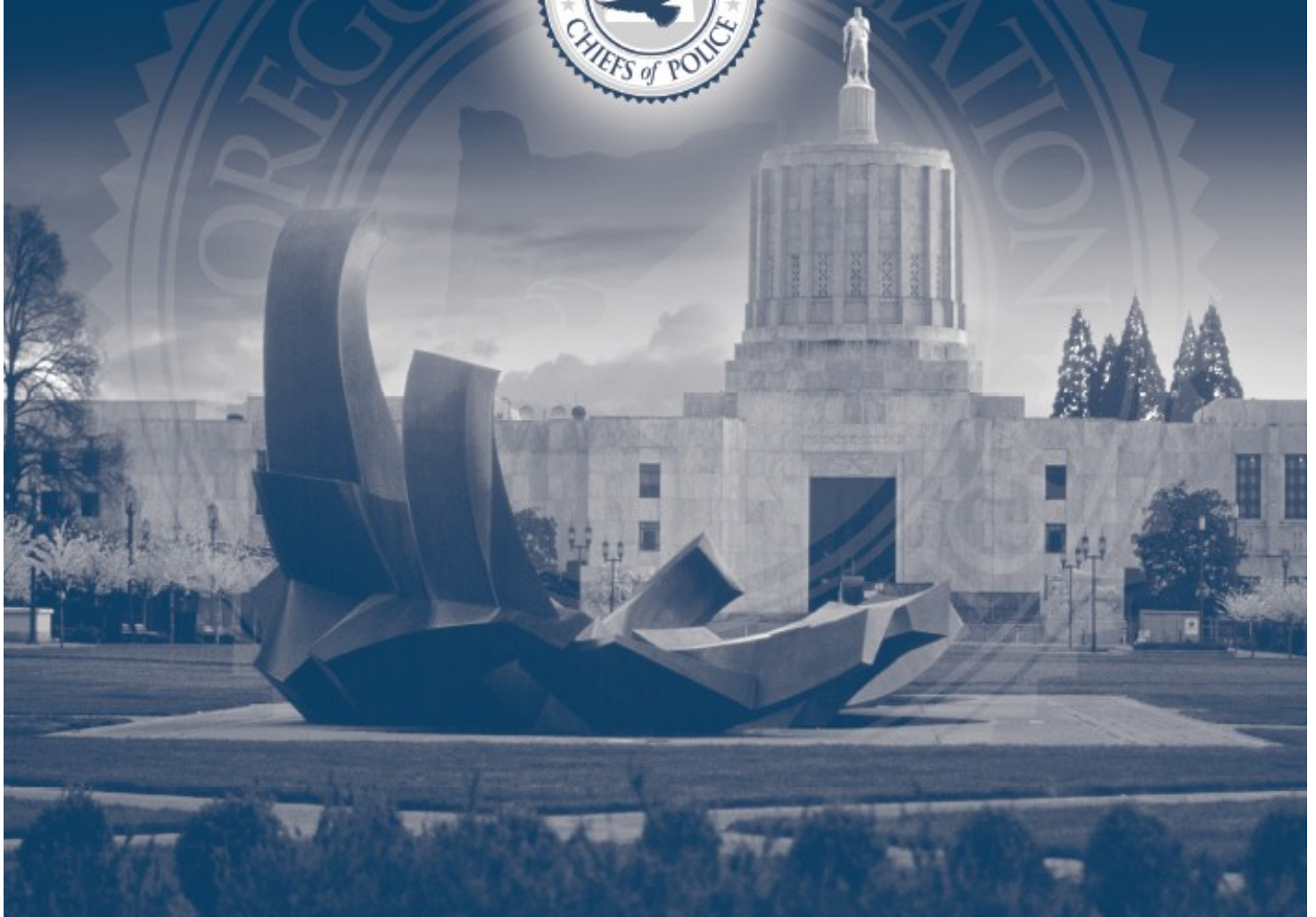


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OREGON ASSOCIATION CHIEFS OF POLICE

LEGISLATIVE REPORT



2013

Legislative Session

Inside this Report

1	Alcohol/DUII
2	Animal Offenses
4	Budget Highlights
5	Corrections (Parole/Probation)
8	Crimes and Violations
8	Criminal Background Checks
10	DPSST Legislation
10	Drugs (Illegal, Prescription)
11	Emergency (911 & Management)
13	Forensics/Evidence
14	Forfeiture Legislation
15	Honor and Recognition
15	Immigration/Race Issues
16	Juvenile/Child
16	Labor /Management
17	Marijuana
18	Mental Illness
19	Miscellaneous
19	Officer Issues
20	PERS Issues
20	Sentencing/Prosecution
22	Sex Offenses/Trafficking
24	Surveillance/Drones
25	Traffic/Motor Vehicle
28	Victims
30	Index



On behalf of the Oregon Association Chiefs of Police Legislative Committee, please accept this report on the new laws adopted by the Oregon Legislative Assembly during the 2013 Legislative Session. I want to thank the members of the OACP for engaging the legislative process during a very challenging time for the State of Oregon.

ALCOHOL/DUII

HB 2116: Ignition Interlock Device Exemptions

HB 2116 includes the following changes to laws related to the required use of ignition interlock devices including:

- ♦ Exempts defendants in a Driving Under the Influence of Intoxicants (DUII) Diversion program (diversion) from having to operate a motor vehicle with an ignition interlock device where the court determines that meet the requirements for a medical exemption.
- ♦ Requires a person granted a medical exemption to carry proof of the exemption while operating any vehicle.
- ♦ Exempts defendants in a diversion program from having to use an ignition interlock device (IID) while operating an employer's vehicle and while in the scope of their employment once the employer is properly notified.

VITAL STATISTICS

Effective Date: January 1, 2014
2013 ORS Site: Chapter 315



HB 2117: Missouri v. McNeely Implied Consent Fix

HB 2117 clarifies that nothing in the implied consent law precludes a police officer from obtaining a chemical test of a person's breath or blood through lawful means for use in a criminal or civil proceeding. This measure reiterates the informed consent law in response to the United State Supreme Court decision in Missouri v. McNeely, decided April 17th, 2013.

VITAL STATISTICS

Effective Date: Upon Passage
2013 ORS Site: Pending

"Oregon DUII laws continue to show an aggressive intolerance for drinking and driving."

HB 2121: Court Ordered Treatment Completion

House Bill 2121 designates the courts as the entity that determines if a person satisfies their court ordered treatment requirements and directs the court to notify DMV of any restrictions or removal of restrictions. The measure allows a person to file a motion with the circuit court to show that the person has taken sufficient steps to complete treatment and allows a district attorney to object. HB 2121 also prohibits DMV from reinstating driving privileges unless:

1. The person provides proof of completing a treatment program;
2. The person has a court order that the person has taken sufficient steps to complete treatment; or
3. Fifteen years have elapsed since the date of the person's conviction.

VITAL STATISTICS

Effective Date: May 28th, 2013
2013 ORS Site: Chapter 233



HB 2627: Diversion Failure/Fees Owed Remedy

HB 2627 allows a person who participates in a diversion program to pay off any remaining diversion fees beyond the payment deadline as long as the amount owed is less than \$500 and all other requirements of diversion have been satisfied. The purpose of the bill is to avoid a termination of diversion and a subsequent conviction for DUI in cases where failure to pay the fees is the only reason for the diversion failure. The measure also allows the court to order restitution as a condition of diversion even where the underlying Driving Under the Influence of Intoxicants (DUI) offense is dismissed per successful completion of diversion. This creates a money judgment which survives beyond the diversion period.

VITAL STATISTICS

Effective Date: May 9th, 2013
2013 ORS Site: Chapter 78



HB 2773: Diversion Disqualifier Elimination (Limited)

HB 2773 allows a person to participate in a DUI diversion program even if they were previously ordered to do treatment for a charge of minor in possession of alcohol (ORS 471.430) or possession of less than an ounce of marijuana (ORS 475.864(3)). As such, the measure removes the "prior treatment" disqualifier from the diversion statute for these listed offenses. The provisions of HB 2773 apply to petitions for a driving while under the influence of intoxicants diversion agreements filed on or after January 1st, 2014.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 134

ANIMAL OFFENSES

HB 2783: Offense of Unlawful Tethering

House Bill 2783 creates the offense of unlawful tethering of a domestic animal and establishes such offenses as Class B violations. Further, the measure provides that unlawful tethering occurs when a person tethers a domestic animal in their custody or control:

- ♦ With a tether that is an unreasonable length given the size of the animal
- ♦ With a collar that pinches or chokes the animal when pulled
- ♦ For more than 10 hours in a 24-hour period; or
- ♦ For more than 15 hours in a 24-hour period if the tether is attached to a pulley or running line.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 382

In addition, House Bill 2783 defines what constitutes adequate bedding and adequate shelter for purposes of minimum care of a domestic animal. Currently, failure to provide minimum care of a domestic animal constitutes animal neglect. House Bill 2783 adds tethering that results in serious physical injury or death as a Class A misdemeanor with a maximum \$6,250 fine and one year in prison, and tethering that results in physical injury as a Class B misdemeanor with a \$2,500 fine and up to six months in prison. The measure does not apply when the owner is physically present with the animal, while the owner is complying with campground requirements, when hunting or transporting an animal and when a dog is kept for herding, protecting livestock or dogsledding.



SB 6: Increased Penalties for Animal Abuse/Neglect

SB 6 elevates aggravated animal abuse in the first degree to a category 6 on the sentencing guidelines grid and elevates animal abuse in the first degree to category 6 on sentencing guidelines grid if the offender was previously convicted of domestic violence, child abuse, or if the offense is committed in the presence of a minor child. In addition, the measure

Increases the penalty for animal neglect in the second degree to a class C felony

- ◆ In cases where the person committing the offense has two or more previous convictions for similar offenses.
- ◆ In cases where the offense involves 11 or more animals
- ◆ In cases where the offense is committed in the presence of a minor child and the person has one or more previous convictions for offenses involving domestic violence.

VITAL STATISTICS

Effective Date: Upon Passage
2013 ORS Site: Pending

Increases the penalty for animal neglect in the first degree to a Class C felony and directs the Oregon Criminal Justice Commission to classify the offense as a crime category 6 if 10 to 40 animals are involved and to a crime category 7 if over more than 40 animals are involved:

- ◆ In cases where the person committing the offense has two or more previous convictions for similar offenses.
- ◆ In cases where the offense involves 10 or more animals
- ◆ In cases where the offense is committed in the presence of a minor child.

Prohibits a person from possessing equines (of other animals of the same genus) if they are convicted of animal neglect with the exception of a first-time offender who owns a commercial livestock operation for a violation involving livestock.

Provides an alternative service for notice of forfeiture, provides a defendant with the opportunity to testify at a hearing with regard to the forfeiture before the court issues a final finding and establishes a process for a hearing regarding any impoundment and/or lien.

Establishes standards and a licensing program for animal rescue entities that also authorizes inspections upon complaint and seizure upon evidence of cruelty.



BUDGET HIGHLIGHTS

SB 5005: Department of Corrections Budget Summary

The 2013-15 legislatively adopted budget for the Department of Corrections (DOC) includes a budget of \$1,434.6 million General Fund and \$1,477.9 million total funds with 4,508.99 full-time equivalent positions (FTE). This represents a 5.3 percent increase in General Fund resources from the 2011-13 Legislatively Approved budget and a 7.5 percent decrease in total funds resources for the same period. The decrease in total funds is driven primarily by the phase-out of almost \$194 million one-time Other Funds non-limited expenditure limitation for administrative action to refinance debt. After factoring out this phase-out, the budget's total funds resources are 5.3 percent higher than in the 2011-13 Legislatively Approved budget. Major features of this budget include:

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 496

- ♦ An increase of \$22.6 million General Fund for mandated caseload in the Department's operational costs, and \$11.4 million General Fund in mandated caseload for Community Corrections. Community Corrections baseline funding is appropriated at 217.1 million.
- ♦ Reductions in positions due to middle management actions taken by the Emergency Board (abolishes 41 positions across the agency, including three positions (2.29 FTE) within Health Services).
- ♦ Reductions in Public Employees Retirement System expenditures due to rate reductions and two policy packages.
- ♦ A reduction of \$6.3 million General Fund due to a reduction in Measure 73 grants for pretrial incarceration.
- ♦ Reductions totaling \$37.7 million General Fund (or approximately 3.2 percent of the Department's operating current service level) in assumed management actions and one-time solutions to balance the budget.



PLEASE NOTE:

Budget Highlights are adapted from the Legislative Fiscal Budget Report

HB 5038: Oregon State Police Budget

The 2011-13 legislatively adopted budget for the Oregon State Police includes \$234.7 million General Fund and \$342.3 million total funds with 1,242.75 full-time equivalent positions. This represents a 5.9 percent increase in General Fund expenditures from the 2011-13 Legislatively Approved Budget and a 3.1 percent increase in total funds expenditures. Major features of this budget include:

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 505

- ♦ An increase of 1.16 million for 10 additional troopers to assist in fiscally distressed parts of the state (funded at the end of the biennium).
- ♦ An increase of \$462,000 to hire 4 detectives (funded at the end of the biennium)
- ♦ 1.47 million for an additional forensic scientist and for equipment necessary to comply with new DNA requirements.
- ♦ An increase of \$300,000 to cover the cost of a Southern Oregon Medical Examiner contract.
- ♦ A reduction of 1.04 million to Services and Supplies, 4.6 million as a general fund "holdback" and a 1.04 million to Administrative Services.



HB 5042: DPSST Budget

The 2013-15 legislatively adopted budget of \$44 and 129.54 full-time equivalent (FTE) positions represents a 0.8% decrease from the 2011-13 legislatively approved budget. The resources in this budget should be sufficient to provide the same number of Basic Police, Corrections, and Parole and Probation classes provided in 2011-13. Here is an overview of the organizational impacts for 2011-2013:

- ◆ Addition of 1 million in order to create the Oregon Center for Policing Excellence, to restore the Leadership Training Program at DPSST (two additional positions) and to add two Regional Training Coordinators for law enforcement training.
- ◆ Retains two positions (one in IS and the other in Facilities) that were slated for elimination by the Governor in the 2013-15 recommended budget.
- ◆ Restores the Fire Training Coordinator position based in Pendleton based on the passage of the Fire Insurance Premium Tax (FIPT) increase.
- ◆ Reduces food service costs by approximately \$150,000. Approves the continuation of basic correction officer training by DOC with DPSST oversight/audit.
- ◆ Increases the Federal Funds limitation by \$200,000 to reflect receipt of the High Intensity Drug Trafficking Area (HIDTA) training grant.

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 508



CORRECTIONS (Parole/Probation)

HB 2143: DOC Local Facility Inspection Elimination

HB 2143 removes the responsibility of the Department of Corrections (DOC) to inspect local detention facilities if the county operating the facility has initiated a recent audit and provided certain information to DOC for retention as a public record. House Bill 2143 would allow inspections, contracted or conducted by county jail operators, to meet the requirement for DOC audits provided that at least as much information is provided to DOC as the DOC would obtain by conducting its own investigation as required by statute.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 63

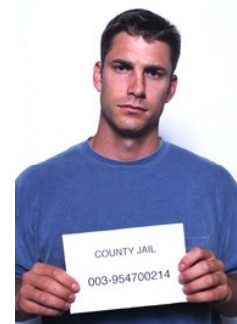


HB 2234: Inactive Status for Post-Prison Offenders

HB 2234 removes the sunset on a provision of law that allows an offender on post-prison supervision to be placed on inactive status. Offenders may be placed on inactive status when they comply with the terms and conditions of their supervision and require less intensive supervision.

VITAL STATISTICS

Effective Date: May 9th, 2013
2013 ORS Site: Chapter 67



HB 2235: DOC Obligation to Train Corrections Officers

HB 2235 continues the obligation of the Oregon Department of Corrections (DOC) to train corrections officers and sets a sunset date on the provision for January 2, 2026. In 2009, the Legislature transferred the responsibility for training DOC corrections officers from the Department of Public Safety Standards and Training to the Department of Corrections.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 573

HB 2236: Out-of-State DOC Contracting Authority

HB 2236 allows the Oregon Department of Corrections (DOC) to continue to contract with other public entities to send Oregon inmates to out of state corrections facilities through January 2, 2018. This authority is provided in order to give the Department of Corrections statutory authority to address prison overcrowding when it occurs.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 7



HB 2685: Leave & Program Eligibility (DOC to Jail)

HB 2685 includes two major provisions including:

- ◆ Clarifies that an offender transferred from a Department of Corrections (DOC) facility to a local jail remains eligible for any form of temporary or transitional leave from custody, work release or a program of conditional or supervised release that is authorized by the Department of Corrections.
- ◆ Adds reentry programs and support to the list of approved uses for funds raised from prison canteens, operation of vending machines, operation of inmate telephones, funds confiscated from inmates and donated funds.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 130



HB 2986: License Reinstatement for Apprenticeships

House Bill 2986 allows formerly incarcerated individuals in apprenticeship and pre-apprenticeship programs to petition the court for reinstatement of drivers licenses that were suspended for nonpayment of fines. The measure requires a person whose driving privileges are reinstated to establish a payment schedule with the court and begin making fine repayments within six months of completing a pre-apprenticeship program and apprenticeship program.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 246

HB 3245: Inmate Trade Work (DOC Supervision)

This measure prohibits inmates in the custody of the Oregon Department of Corrections from performing electrical or plumbing work unless they are under the direct supervision of a regular status Department employee who is a licensed electrician or plumber. The measure further specifies that work may only be performed at facilities owned or leased by the Department.

VITAL STATISTICS

Effective Date: June 6th, 2013
2013 ORS Site: Chapter 328



SB 186: Tracking Device Warrant (Wildlife, Fishing, etc.)

Senate Bill 186 allows a court to issue a warrant authorizing the installation or tracking of a mobile tracking device when the investigation involves the alleged violation of criminal provisions of the wildlife, commercial fishing, or outfitters and guide laws. Such offenses often involve travel over hundreds of miles and in remote locations, making surveillance difficult and expensive.

VITAL STATISTICS

Effective Date: June 11th, 2013
2013 ORS Site: Chapter 359

SB 187: Juvenile Conditional Release - DOC Release Plan

This measure directs the Department of Corrections to prepare and submit a release plan to the court no later than 45 days after the court determines that conditional release of a juvenile is an appropriate disposition following a “second look” hearing.

VITAL STATISTICS

Effective Date: April 11th, 2013
2013 ORS Site: Chapter 37



SB 188: OYA Release Program for Juvenile Offenders in DOC

SB 188 allows the Oregon Youth Authority (OYA) to have a release program for juvenile offenders committed to the legal custody of the Oregon Department of Corrections (DOC), but placed in an OYA facility if the offender was not convicted of a Measure 11 offense. The release program would allow for the youth to:

- ♦ work;
- ♦ participate in drug and alcohol treatment program;
- ♦ participate in a mental health program; and
- ♦ go to school, or attend a program intended to develop independent living skills.

VITAL STATISTICS

Effective Date: May 23rd, 2013
2013 ORS Site: Chapter 229

The measure clarifies that a juvenile in the legal custody of the DOC participating in an OYA work release program is covered by the injured inmate compensation fund and not by workers compensation. SB 188 excludes persons serving a mandatory minimum sentence such as a Measure 11 sentence.

SB 843: Corrections Health Care Costs Work Group

SB 843 establishes a 13-member Work Group on Corrections Health Care Costs charged with recommending legislation to be introduced in the 2014 session of the Legislative Assembly to establish appropriate mechanisms to lower the health care costs of the Department of Corrections. The work group is required to submit its recommendation to an interim legislative committee by January 1, 2014. The Oregon Department of Corrections (DOC) Health Services is responsible for providing medical care to over 14,000 prisoners across the state, incarcerated within the fourteen institutions of the DOC State Prison system.

VITAL STATISTICS

Effective Date: June 26th, 2013
2013 ORS Site: Chapter 538



CRIMES AND VIOLATIONS

HB 3434: Definition of “within 1000 feet”

HB 3434 defines the term “within 1000 feet” as a straight line measurement in a radius extending 1000 feet or less in every direction from a specified location or from any point on a boundary line of real property comprising an existing public or private elementary, secondary or career school or an existing licensed child care facility. The measure specifies the way that the 1,000 feet is to be measured for any crime that requires a 1,000 foot measurement.

VITAL STATISTICS

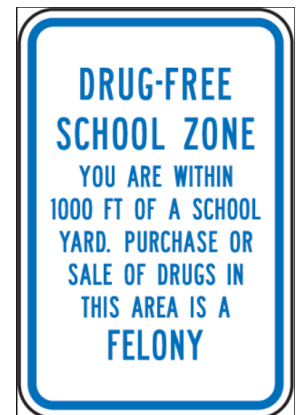
Effective Date: January 1st, 2014
2013 ORS Site: Chapter 588

SB 834: Increased Penalty for False Reporting

This measure increases the penalty for initiating a false report from a “C” misdemeanor to an “A” misdemeanor and requires the court to assess the costs of responding and investigating to false report to be paid by the convicted person.

VITAL STATISTICS

Effective Date: June 24th, 2013
2013 ORS Site: Chapter 490



CRIMINAL BACKGROUND CHECKS

HB 2053: Tribal Background Checks for Foster Care

HB 2053 allows a Native American tribe to request a criminal background check from the Oregon State Police (State Police) on a person who is seeking to be certified by the tribe to provide foster care services. For the purposes of a criminal background check, the measure permits the Department of Human Services, the Oregon Health Authority or the Employment Division to require the fingerprints of a person that a Native American tribe would like to certify for foster care services.

VITAL STATISTICS

Effective Date: May 9th, 2013
2013 ORS Site: Chapter 57

HB 2920: DHS Notice for Criminal Records Requests

HB 2920 allows the Department of Human Services (DHS) to give the required notice to an individual that DHS is requesting the individual's criminal records from the Oregon State Police (State Police) before or after the information is obtained from the State Police. The measure eliminates the requirement for DHS to give notice that Title VII of the Civil Rights Act of 1964 may apply to an individual whose criminal records have been requested from the State Police.

VITAL STATISTICS

Effective Date: June 6th, 2013
2013 ORS Site: Chapter 322



HB 3330: Electronic Fingerprint Capture Requirement

HB 3330 requires governmental agencies to utilize electronic fingerprint capture services for criminal record checks beginning January 1, 2014. The measure requires DAS to establish a standard contract for electronic fingerprint capture services and requires certain agencies to conduct a study of fingerprint capture practices and report the results to the Legislative Assembly on or before October 1, 2014.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

HB 3331: Voluntary Records Check Registry

HB 3331 requires the Department of State Police to establish a Voluntary Central Criminal Records Check Registry and includes the following provisions:

- ◆ Allows an individual that is subject to a criminal records check to enroll in the registry and submit evidence of enrollment in the registry in lieu of submitting to an additional criminal records check.
- ◆ Authorizes the Department to establish requirements for enrollment and to enroll individuals meeting certain criteria.
- ◆ Limits enrollment in the registry to two years unless renewed and requires the Department to conduct an annual records check on all enrollees and to remove individuals no longer meeting criteria for enrollment.
- ◆ Requires the Department to notify an agency that accepted evidence of enrollment of an individual's removal from registry.

VITAL STATISTICS

Effective Date: Upon Passage
2013 ORS Site: Pending



DPSST LEGISLATION

HB 2043: DPSST Denial of Training or Certification

Clarifies that the Department of Public Safety Standards and Training (DPSST) has jurisdiction to proceed with a denial of training or certification against a public safety officer or instructor, even if the officer has left police work, if DPSST has issued a notice to deny training or certification and the officer has requested a hearing.

VITAL STATISTICS

Effective Date: March 18th, 2013
2013 ORS Site: Chapter 6



SB 481: Center for Policing Excellence (See HB 3194)

PLEASE NOTE...SB 481 didn't pass but the contents of the measure were passed in total-ity as a section of HB 3194.

Establishes within the Department of Public Safety Standards and Training the Oregon Center for Policing Excellence. The primary purpose of the center is to make policing in Oregon more effective by promoting evidence-based policing practices and thus reducing the number of offenders coming into the criminal justice system. In addition, the center's purpose is the development and delivery of training to public safety personnel in Oregon to enhance their skills related to:

- ♦ Problem solving;
- ♦ Leadership and facilitation;
- ♦ Effective application and use of information from reputable research;
- ♦ Identifying and addressing future challenges affecting public safety.

DRUGS (Illegal, Prescription)

HB 2554: Diversion Eligibility for Prescription Drugs

HB 2554 adds unlawfully possessing a prescription drug under ORS 689.527(6) to the list of crimes eligible for a diversion agreement. This "diversion" statute gives courts and district attorneys flexibility in handling charges where all parties agree that the person being charged would benefit from completing conditions such as treatment, rather than having a conviction on their record. If the defendant does not successfully complete the conditions of the diversion, a guilty finding will be entered, and the case would proceed as it normally would after a guilty finding.

VITAL STATISTICS

Effective Date: May 9th, 2013
2013 ORS Site: Chapter 75



Emergency (911 and Management)

HB 2034: Tribal Emergency Management Grant Funding

This measure permits tribal government to submit applications for federal funding related to emergency programs and services, through the Office of Emergency Management (OEM) for review and/or processing. The bill acknowledges that tribal government may establish emergency management agencies. HB 2034 requires a tribal government that chooses to establish emergency management agency to:

VITAL STATISTICS

Effective Date: January 1, 2014
2013 ORS Site: Chapter 189

- ◆ Appoint an emergency program manager; and
- ◆ Establish policies, as specified, jointly with the county within which the tribal government operates.
- ◆ Perform certain specified functions within territorial limits.



HB 3317: 911 Tax Extension

HB 3317 extends sunset date for emergency communications tax from January 1, 2014 to January 1, 2022. There have been six sunset extensions of this tax since 1981. The tax rate is \$0.75 cent per month per device capable of accessing 9-1-1 services, with the exception that federal, state, and local governments are tax exempt. The tax rate is set in statute and has been unchanged at \$0.75 since 1995.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

HB 3453: Public Safety Fiscal Emergency Declaration

HB 3453 allows the Governor to determine the fiscal conditions that compromise the ability of a county to provide a minimally adequate level of services and declare a "Public Safety Fiscal Emergency" in a county. The measure includes the following provisions:

- ◆ Prior to declaring such an emergency, the Governor shall consult with Senate President, Senate Majority and Minority Leader; Speaker of the House, Majority and Minority leader of the House; and each Senator and Representative whose district is wholly or partially within county subject to the emergency.
- ◆ After obtaining written authorization signed by governing body of each county subject to proclamation, the Governor may enter into a written intergovernmental agreement (IGA) with the affected counties and other counties for performance of functions and activities of the affected county.
- ◆ The cost of the services provided under an intergovernmental agreement will be shared between state and counties parties to the IGA. The state will bear 50 percent of costs and affected counties will bear 50 percent of cost. To pay for the county's portion of cost, counties may impose a surtax on state personal, corporate income or excise tax; a tax on telecommunication services; impose any assessment county governing body is lawfully capable of imposing; use existing sources of county revenue; or any combination of previously identified funding sources.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

Troubled counties



HB 3453: Public Safety Emergency Declaration, Cont.

Additional provisions of HB 3453 include:

- ◆ The measure specifies the minimum content of an intergovernmental agreement ; specifies that the units of local government designated in intergovernmental agreement to perform functions or activities are vested with all powers, rights and duties relating to those functions and activities that are vested by law in each party to agreement and its officers and agencies;
- ◆ States that a public body officer designated in an intergovernmental agreement to perform duties of two or more public officers shall be considered to hold one office; specifies that an intergovernmental entity created by intergovernmental agreement may adopt rules necessary to carry out the intergovernmental agreement ;
- ◆ Specifies that an intergovernmental agreement must contain a process for division, disposition, and distribution of any assets, debt or liabilities created by entity under the intergovernmental agreement.
- ◆ The bill provides that a public safety fiscal emergency proclamation terminates after 18 months unless Governor extends declaration for up to 18 more months.
- ◆ The Governor shall terminate the public safety fiscal emergency by proclamation when the emergency no longer exists or when the threat of emergency has passed.
- ◆ The public safety fiscal emergency proclaimed by Governor may be terminated at any time by action of Legislative Assembly.
- ◆ Termination of a public safety fiscal emergency shall apply to: Income and excise tax years beginning on or after January 1 following the termination and other assessment reporting periods beginning on or after first day of first calendar quarter following termination.
- ◆ The measure sunsets provisions of this Act on January 2, 2018.



SB 33: Task Force on Resilience Plan Implementation

SB 33 includes the following key provisions:

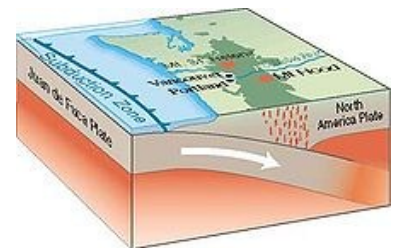
The measure adds thirteen agencies to, and removes the Military Department from, the list of those agencies required to designate an individual with authority to allocate resources and to act as a liaison with Office of Emergency Management, making agency liaison changes effective January 1, 2014.

VITAL STATISTICS

Effective Date: June 26th, 2013
2013 ORS Site: Chapter 512

The measure also creates a 17-member Task Force on Resilience Plan Implementation (TFRPI) in order to facilitate a comprehensive plan to implement the Oregon Resilience Plan, as reported to the Legislature during the February 2013 Legislative Session by the Oregon Seismic Safety Policy Advisory Commission , for responding to the consequences of naturally occurring seismic events associated with geologic shifts along the Cascadia subduction zone, specifically:

- ◆ Educating and training community leaders in emergency management and resilience practices; and
- ◆ Coordinating investments in equipment, facilities and critical systems for enhanced resiliency and survivability. The measure requires TFRPI to report to the Legislative Assembly on or before October 1, 2014.



SB 598: Automatic Location Identification Database

SB 598 requires operators to enable public safety answering points (PSAPs) to obtain a street address and building name, at minimum, from the automatic location identification database (ALID) for 9-1-1 calls. The measure includes the following additional provisions:

VITAL STATISTICS

Effective Date: June 6th, 2013
2013 ORS Site: Chapter 305

- ◆ Exempts operators of key telephone systems, wireless telecommunications, and multiline systems serving single level, single tract structures of 10,000 square feet or less.
- ◆ Requires managers to work to ensure user awareness of 9-1-1 call procedures.
- ◆ Requires operators to arrange an automatic location identification database update upon installation of a new phone system in order to enable PSAPs to obtain a 9-1-1 caller address and callback number.
- ◆ Provides civil immunity for 9-1-1 jurisdictions and complying providers, manufacturers, managers, and operators.
- ◆ Applies to multiline telephone systems installed one year or more after passage.



SB 813: Seismic Grant Program Oversight Change

SB 813 moves the management and oversight of the seismic rehabilitation grant program from the Office of Emergency Management to the Oregon Business Development Department, Infrastructure Finance Authority.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

FORENSICS/EVIDENCE

HB 3467: Website Mug Shot Removal Procedure

HB 3467 mandates that websites which post mug shots must remove them and all accompanying information, without charging the requesting party a fee for the removal, when they receive a request in writing from a person who has been:

- ◆ acquitted, or
- ◆ where charges have been dismissed, or
- ◆ if the crime was reduced to a violation

The measure further provides that a party failing to remove the photograph and other information related to the arrest after being formally

VITAL STATISTICS

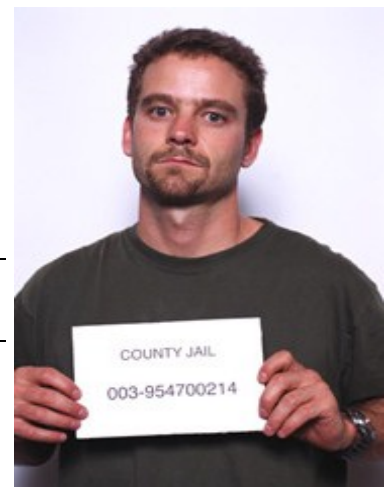
Effective Date: January 1st, 2014
2013 ORS Site: Chapter 330

SB 42: Trial Court DNA Appeal Process

SB 42 creates a process for the appeal of a trial court decision: to allow or disallow DNA testing; to allow or disallow a new trial; and to disallow appointment of counsel. The measure applies retroactively to prior trial court decisions where an appeal was not available.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 152



SB 141: Business Entities a Protected Person for ID Theft

SB 141 adds business entities as a protected person for purposes of identity theft. In addition, the measure:

- ◆ Increases penalties for filing false corporate documents with the Secretary of State from a Class B misdemeanor to a Class A misdemeanor.
- ◆ Requires corporations to maintain a physical presence where a registered agent can be served.
- ◆ Allows the Secretary of State's Office to verify physical address.
- ◆ Allows Secretary of State to withdraw document filed in error at the request of an authorized business representative within one year.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 158

FORFEITURE LEGISLATION

HB 2603: "Gray Machine" Regulation

HB 2603 requires law enforcement to prove that a machine they seize as a gray machine is a gray machine and not an amusement device. As such, when a motion for return or restoration of the device is filed under ORS 133.633, the burden of proof is on the state to establish that the device is in fact a gray machine. The measure allows law enforcement to destroy a "gray machine" if a court has entered a forfeiture judgment. The measure applies to machines seized after the effective date of this Act.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 128



SB 27: Asset Forfeiture Report Date Change

This measure changes the date that a political subdivision or public body must file an Asset Forfeiture Report from December 15th to January 31st of the following year. In addition, SB 27 changes the date the Asset Forfeiture Oversight Advisory Committee must submit a report to the Speaker of the House, President of the Senate, Attorney General, and the Governor from March 31st to April 30th.

VITAL STATISTICS

Effective Date: March 18th, 2013
2013 ORS Site: Chapter 9



HONOR AND RECOGNITION

HB 2182: First Responder Appreciation Day

HB 2182 designates every September 27th, First Responder Appreciation Day. This measure is designed to provide an opportunity for expressions of gratitude for volunteer and career first responders by declaring September 27th of each year, First Responder Appreciation Day. The date was chosen by a Colorado citizen who originated the idea in response to a school shooting incident that occurred on that date in 2006. Colorado was the first state to establish September 27th as a First Responder Appreciation Day.

VITAL STATISTICS

Effective Date: January 1, 2014
2013 ORS Site: Chapter 20



HB 3487: PERS Vesting for Line of Duty Death

Allows any deceased member of the Public Employees Retirement System killed in the course and scope of the member's employment, as certified by the employer, to be considered vested under pension program of the Oregon Public Service Retirement Plan (OPSRP). The measure covers police officers, firefighters and other deceased members of PERS-OPSRP.

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 589



IMMIGRATION/RACE ISSUES

HB 2517: Compact of Free Association Drivers License

HB 2517 exempts persons who are from countries with a compact of free association with the United States from needing to annually renew their driver license. As background, a Compact of Free Association (COFA) defines the relationship between the United States and three sovereign states: the Federated States of Micronesia; the Republic of the Marshall Islands; and the Republic of Palau.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 238

SB 463: Racial and Ethnic Impact Statement

This measure requires the Oregon Criminal Justice Commission, at the written request of one legislative member from each political party, to prepare a statement on proposed legislation or on a measure's impact on racial and ethnic composition of the criminal offender population or recipients of human services. Further, SB 463 requires grants awarded to corporations or other legal entities by state agencies to include a racial and ethnic impact statement. The provisions of SB 463 sunset in 2018.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 600

JUVENILE/CHILD

HB 2049: Parole and Probation Custody Authority

SB 2049 allows a “juvenile community supervision officer” to take a youth into custody that violates parole. In addition, the measure;

- ♦ Requires the “juvenile community supervision officer” to bring a youth under 18 to a juvenile detention facility and youth over 18 to an adult detention facility.
- ♦ Defines a “juvenile community supervision officer” as an employee of the Oregon Youth Authority (OYA) who is a juvenile parole or probation officer, or an assistant to such an officer.

VITAL STATISTICS

Effective Date: June 14th, 2013
2013 ORS Site: Chapter 259

HB 2789: School Drills for Safety Threats

This measure requires schools to drill and instruct for safety threats, such as lockdown procedures, twice per year. HB 2789 also requires a review of emergency procedures by local first responders and updates “duck, cover and hold” instruction with current “drop, cover and hold on” language.

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 463



HB 3183: Sheriff Authorized to Deliver Juvenile to OYA

HB 3183 allows a sheriff, by agreement with the Oregon Department of Corrections (DOC), to deliver a youth offender directly to the Oregon Youth Authority (OYA). Currently a juvenile fifteen years of age or older, convicted of a Measure 11 offense, or a juvenile waived to adult court for trial is sentenced to the legal custody of the DOC and the physical custody of the OYA.

VITAL STATISTICS

Effective Date: June 11th, 2013
2013 ORS Site: Chapter 355

LABOR/MANAGEMENT

HB 2654: Social Media Policy

HB 2654 creates an unlawful employment practice if an employer requires or requests access to an employee or applicant’s personal social media account (either by requesting a password or by compelling an employee/applicant to access social media content in the presence of the employer), or compels the addition of an employer to an employee’s list of contacts associated with a social media site. The measure prohibits an employer from retaliating based on an employee or applicant’s refusal to disclose or provide access to such accounts. HB 2654 specifies that an employer is not prohibited from conducting investigations, which may include sharing the content of accounts, but may not compel disclosure of passwords or authentications in the course of an investigation. The measure specifies that an employer is not prohibited from accessing information available to public.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 204



HB 3342: Public Sector Neutrality

This bill prohibits a public employer from using public funds for the purpose of deterring or supporting union organizing and gives the Employment Relations Board the ability to award damages triple the amount spent on deterring or supporting organizing activities. The bill also requires the Employment Relations Board (ERB) to allow employees to join a collective bargaining unit if a majority signs a petition stating their desire to join a union and expands the time frame to complete an organizing drive from 90 to 180 days.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

MARIJUANA ISSUES

HB 3460: Dispensary Legalization

HB 3460 legalizes and regulates marijuana dispensaries and includes the following provisions:

- ◆ Requires Oregon Health Authority (OHA) to establish by rule a medical marijuana facility registration system for the transfer of usable marijuana between grow sites and registry identification card holders.
- ◆ Establishes minimum requirements for a facility application, location and security requirements.
- ◆ Requires the Oregon Health Authority (OHA) to conduct criminal background checks of facility applicants and to refuse a registration if a responsible person has a conviction of manufacturing or delivering a controlled substance in Oregon or elsewhere.
- ◆ Requires marijuana facility to test marijuana for pesticides, mold and mildew.
- ◆ Requires a facility to receive authorization from a registry card holder prior to receiving marijuana from a grow site.
- ◆ Exempts a facility from marijuana plant and usable amount limits.
- ◆ Allows the OHA to inspect a facility and records to ensure compliance.
- ◆ Allows a registry card holder to reimburse a facility for normal and customary costs of doing business.
- ◆ Requires OHA to notify a former facility of a change of facility by a registration card holder.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending



SB 40: Marijuana Penalty Changes

SB 40 includes the following changes to marijuana penalties:

- ◆ Reduces the penalty for the manufacture of marijuana from a Class A felony to a Class B felony.
- ◆ Reduces possession of 1 to 4 ounces of marijuana to a Class B misdemeanor, or a greater amount to a Class C felony.
- ◆ Makes possession of less than 1/4 ounce marijuana product a Class B misdemeanor, or a greater amount to a class C felony.
- ◆ Provides for violation fine of \$650.

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 591



SB 82: Marijuana License Suspension Elimination

SB 82 eliminates Oregon Driver's License (ODL) suspension as a punishment for conviction of possession of less than an ounce of marijuana for persons age 18 and older. The measure gives judges discretion to suspend the license of a person under 18 years of age, for possession of less than an ounce of marijuana, if it is in the interest of public safety.

VITAL STATISTICS

Effective Date: July 1st, 2013

2013 ORS Site: Chapter 592



SB 281: Marijuana Debilitating Condition for PTSD

SB 281 expands the debilitating medical condition list to include post-traumatic stress disorder (PTSD) for the purposes of authorizing medical use of marijuana. The National Institute of Mental Health defines post-traumatic stress disorder (PTSD) as an anxiety disorder that some individuals get after experiencing a dangerous event.

VITAL STATISTICS

Effective Date: January 1st, 2014

2013 ORS Site: Chapter 337

MENTAL ILLNESS

HB 2594: Outpatient Assisted Treatment Orders

HB 2594 creates new standards for courts to order people to engage in outpatient assisted treatment. The measure includes the following additional provisions: The bill establishes a standard that a person ordered to engage in outpatient assisted treatment is deteriorating to point that person will predictably become a person with mental illness as defined in ORS 426.005. It lists factors that the court is required to consider when making such a determination. Conforms language across all statutes to "persons with mental illness" rather than "mentally ill person." It allows people who would not meet the high standard required for inpatient commitment to be ordered to engage in outpatient treatment in the community they live in.

VITAL STATISTICS

Effective Date: Pending

2013 ORS Site: Pending



SB 421: Kilcullen Aid and Assist Legislation

SB 421 creates a new standard of civil commitment for "extremely dangerous" people. The measure:

- ◆ Requires, that person be supervised by Psychiatric Security Review Board (PSRB) and have initial review hearing in six months, and have a status review only if requested by the hospital/treatment facility, or every two years, whichever comes first.
- ◆ Allows the prosecuting attorney to petition the court for a commitment hearing.
- ◆ Directs a hospital superintendent to petition for early termination of commitment where the committed person no longer suffers from disease or defect, or is no longer extremely dangerous.
- ◆ Instructs supervisory agency to notify parties before commitment period ends, and hold hearing determining whether or not a new period of commitment should be set.
- ◆ Tolls statute of limitations for the duration of the commitment if there is a pending underlying crime and Allows prosecuting attorney to request an aid and assist evaluation be done in advance of any hearing where the person may be released from the jurisdiction of the PSRB.

VITAL STATISTICS

Effective Date: Pending

2013 ORS Site: Pending

MISCELLANEOUS

SB 29: Oregon Alignment with National Fireworks Law

SB 29 aligns the definitions of Oregon Fireworks Law to make them consistent with national standard definitions. Current Oregon Fireworks Law definitions are inconsistent with the American Pyrotechnics Association's definitions. The U.S. Consumer Product Safety Commission and the U.S. Department of Transportation use the Standard 87-1 of the American Pyrotechnics Association. SB 29 addresses this lack of alignment.

VITAL STATISTICS

Effective Date: January 1, 2014
2013 ORS Site: Chapter 24



SB 565: OHSU Police Department Authority

SB 565 expands the authority of the Oregon Health and Science University (OHSU) police department to have all the authority of a municipal police department. The measure requires the creation of a complaint process and authorizes mutual aid agreements with other police departments. OHSU gained the authority to have a police department in the 2009 session but without the authority for officers to carry guns. Senate Bill 565 removes the prohibition on guns, removes limitations on OHSU authority under ORS 353.050(16) and expands the authority to align with city police departments.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 180

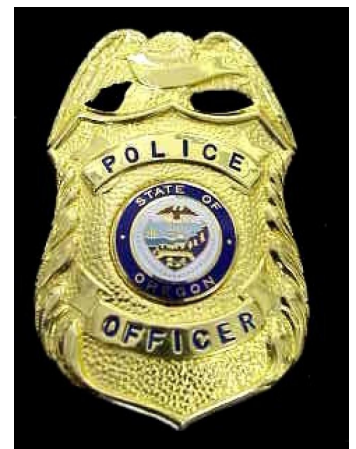
OFFICER ISSUES

HB 2041: Employer Address on DMV Records

Allows employee of law enforcement unit, under certain circumstances, to request that Department of Transportation use address of individual's employer, as opposed to individual's home address, on records maintained by Department.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 56



SB 482: Illegal Propelling Statute - Addition of "Saliva"

SB 482 adds "saliva" to the list of fluids that are illegal to propel at public safety officers, when it comes into contact with public safety officers. The measure requires that propulsion of saliva be intentional. The crime of Aggravated Harassment protects corrections staff from saliva being propelled at them, but public safety officers are not afforded the same protection. Public safety officers include emergency medical technicians, liquor inspectors, fire fighters, and police officers. Aggravated Harassment is a Class C felony.

VITAL STATISTICS

Effective Date: June 24th, 2013
2013 ORS Site: Chapter 477

PERS ISSUES

SB 822: Public Employees Retirement System Reform

SB 822 includes the following key provisions:

- ◆ Modifies the cost of living adjustment under Public Employees Retirement System (PERS) by specifying that the cost of living adjustment not exceed 1.5 percent to allowance made on or after July 1, 2013 and before July 1, 2014.
- ◆ Delineates a graduated process for making cost of living adjustment for years beginning July 1, 2014.
- ◆ Prohibits the Public Employees Retirement Board (PERB) from paying increased retirement benefits resulting from state income taxation of payments made by the board if the person receiving payments does not pay Oregon income tax on the benefits.
- ◆ Removes limitations on the prohibition relating to date of retirement and imposes a similar prohibition for certain public employers that provide retirement benefits for police officers and firefighters other than by participation in PERS.
- ◆ Directs Public Employee Retirement Board (PERB) to recalculate employer contribution rates to reflect savings attributable to Act.
- ◆ Provides for an expedited review by the Oregon Supreme Court upon petition by an adversely affected party.

VITAL STATISTICS

Effective Date: May 6th, 2013
2013 ORS Site: Chapter 53



SENTENCING/PROSECUTION

HB 3194: Public Safety Reinvestment Package

HB 3194 makes changes to five areas of Oregon criminal law: 1) Sentencing; 2) Offender Incentives; 3) Offender Supervision; 4) Program Assessment; and 5) Correctional Resources. The measure makes changes designed to reduce the bed impact on the state corrections system by adjusting sentences and by reinvesting in reentry programs designed to reduce recidivism. The measure includes the following provisions:

- ◆ Re-ranks all marijuana Possession, Delivery & Manufacture to presumptive probation unless it is within 1000 feet of a school or delivery to a minor.
- ◆ Re-ranks Felony Driving While Suspended to presumptive probation unless the underlying basis for the suspension was a vehicular homicide or assault resulting in serious physical injury.
- ◆ Changes presumptive sentences of ID Theft and Robbery III from 24 months to 18 months (sunsets in 10 years)
- ◆ Eliminates mandatory minimums for repeat drug offenders (sunsets in 10 years)
- ◆ Increases transitional leave from 30 to 90 days (sunsets in 10 years)
- ◆ Allows early termination of probation or post-prison supervision if a person has complied with the terms of supervision, including restitution and participates in a recidivism reduction program.
- ◆ Provides probation officers with the authority to modify conditions of probation based upon a risk and needs assessment.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending



Commission on Public Safety
Report to the Governor

December 17, 2012

HB 3194: Public Safety Reinvestment Package, Cont.

- ◆ Amends the Harassment statute to include distribution of a visual recording, providing an option for prosecutors to charge conduct outside of BM 11.
- ◆ Establishes the authority for circuit courts to set up and participate in Post-prison supervision (sunsets in 10 years).
- ◆ Sets performance measures for Specialty Courts and encourages the courts to target medium and high risk offenders.
- ◆ Requires the Department of Administrative Services to identify margin of error, attribute growth or decline in forecast relative to previous forecasts to specific policies, etc.
- ◆ Requires randomized controlled trials using an analytical tool chosen by the Criminal Justice Commission in conjunction with the Public Safety Task Force. Defines recidivism that is consistent with federal law.
- ◆ Adds impact on local governmental units to fiscal impact statements, requires the impact statements to extend ten years out.
- ◆ Creates the Center for Policing Excellence at the department of Public Safety Standards and Training.
- ◆ Sets a goal of reduction in state correctional costs by 5% over a 10-year period and defines what costs should be attributable to cost-per-day.
- ◆ Establishes a Justice Reinvestment Account where the newly formed Justice Reinvestment Grant Review Committee awards grants in consultation with the Criminal Justice Commission. Counties are required to establish a process to assess offenders and to provide sanctions, services and programs designed to reduce recidivism and decrease use of DOC beds. Requires that 10% of grant funds awarded be distributed to community-based nonprofit victim organization beginning in 2015-17.
- ◆ Creates a 13-member Task Force charged with reviewing the implementation provisions of this act, consider policy implications of earned review for juveniles, and evaluate the DOC Cost Reduction report.



In addition to the policy changes included in HB 3194, the following budget agreements were appropriated (in a separate measure):

- ◆ Increases Community Corrections budget by 18% to \$215 million; gives \$5 million to Sheriffs to make sure jails are adequately funded
- ◆ Puts up to \$20 million into new grant program for re-entry courts this biennium
- ◆ Includes 1 million to restore the DPSST Leadership Training Program, to add two positions to the Regional Training Program and to establish the Center for Policing Excellence.
- ◆ includes \$7 million to victim services, 13 additional troopers to help struggling counties supplement patrols and forensics, continues drug court funding in the amount of almost \$9 million
- ◆ Adds endangering welfare of a minor and frequenting a place where controlled substances are used to crimes eligible to receive probation treatment under ORS 475.245.



SB 492: Brady v. Maryland Disclosure Codification

SB 492 requires disclosure to a defendant of material information in the possession or control of the district attorney that tends to exculpate the defendant, negate or mitigate the defendant's guilt or punishment or impeach a witness. The measure prohibits conditioning a plea bargain on waiver of right and codifies the current constitutional Brady standard from case law.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 525

SEX OFFENSES/TRAFFICKING

HB 2334: Adds “Attempted” to Compelling Prostitution

HB 2334 adds the term “attempted prostitution” to the compelling prostitution statute (ORS 167-017) in terms of using force or intimidation to compel another to engage in attempted prostitution or aiding or facilitating the commission of attempted prostitution. Adding the “attempt” language will assist in prosecutions where the compelled person is reticent to testify against their compeller.

VITAL STATISTICS

Effective Date: June 4th, 2013
2013 ORS Site: Chapter 271

HB 2549: Three Tiered Sex Offender Ranking System

HB 2549 creates a three-tier system for ranking sex offenders based on their risk as established by a designated risk assessment tool. The bill included the following additional provisions:

- ◆ Requires all offenders in current system to be reclassified.
- ◆ Offenders classified in the first tier are eligible for relief from reporting obligations five years after the end of their supervision.
- ◆ Offenders classified in the second tier are eligible to apply for reclassification into tier one 10 years after the end of their supervision.
- ◆ Offenders classified in the third tier are eligible to apply to be moved into tier two 10 years after their supervision has ended.
- ◆ Tier 3 offenders are never eligible to apply for total relief from reporting obligations.
- ◆ Offenders convicted of Rape I, Sodomy I, Unlawful Sexual Penetration I, Kidnap I or Burglary I are never eligible for relief from the obligation to register as a sex offender.
- ◆ Requires all classifications of existing registrants to be completed by December 1, 2016. Requires that victims receive notification of relief hearings and have an opportunity to attend and creates requirements for notification of public.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending



HB 2779: Sexual Abuse Restraining Orders

HB 2779 allows a person who has been sexually abused and who has an objectively reasonable fear for his or her physical safety to petition a circuit court for a restraining order against his or her alleged abuser if:

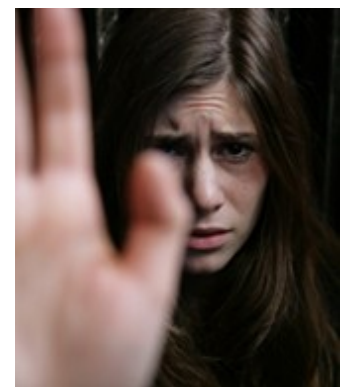
- ◆ The person seeking the restraining order and respondent are not family or household members;
- ◆ The respondent is at least 18 years old; and
- ◆ The respondent is not already subject to a restraining order.

The measure requires the court to hold an ex parte hearing on the day of filing or on the following judicial day. If a petitioner can show that his or her fear is objectively reasonable and that the respondent subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition, the court must:

- ◆ Restrain respondent from contacting or intimidating the petitioner; and
- ◆ Restrain the respondent from contacting the petitioner's children or family or household members if requested. If respondent is restrained from entering an area surrounding the petitioner's residence, the order must describe the area.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending



HB 3253: Out of State/Federal Sex Offender Registration

HB 3253 requires persons convicted of crimes in a court of the United States that required sex offender registration to register in Oregon, even if the crime they were convicted of does not require registration in Oregon. The provisions of the measure pertain to other states and federal convictions. The bill also makes clear that even if the crime in a different jurisdiction would not have been a sex crime in Oregon, the person will carry the registration requirements from the state of origin. Applies only to crimes committed after

VITAL STATISTICS

Effective Date: June 18th, 2013
2013 ORS Site: Chapter 437

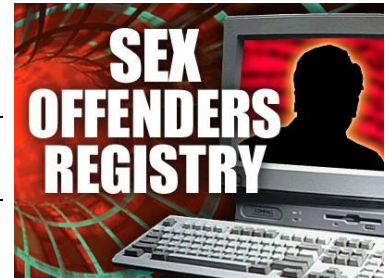
HB 3327: Sex Crime Conviction Set Aside

HB 3327 authorizes court to set aside conviction of a sex crime listed in ORS 181.830(1) if the person has been relieved of their obligation to register as a sex offender and has not been convicted of an otherwise non-eligible crime. The measure authorizes a juvenile court to expunge records of persons who were found to be in the jurisdiction of the juvenile court based on an act that, if committed by an adult, would have constituted rape III, sodomy III, sex abuse III, or an attempt to commit any of those crimes if a strict set of circumstances are applicable including:

VITAL STATISTICS

Effective Date: June 13th, 2013
2013 ORS Site: Chapter 390

- ♦ The person committing crime was under 16 at the time;
- ♦ The victim was within three years of age;
- ♦ The incapacity is due solely to the difference in age;
- ♦ The victim was at least 12 years old at the time.



SB 30: Sex Offender Registry Additions

SB 30 adds luring a minor (ORS 167.057), and conspiracy involving a sex crime (ORS 161.450) to the list of crimes defined as "Sex Crimes" for purposes of the sex offender registry. The measure gives the Judge discretion whether or not to designate a conviction of luring a minor as a sex crime.

VITAL STATISTICS

Effective Date: June 4th, 2013
2013 ORS Site: Chapter 293

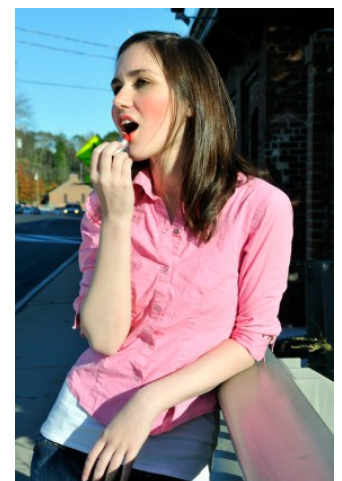
SB 673: Purchasing Sex With a Minor (New Crime)

SB 673 creates new crime of purchasing sex with minor. The measure establishes the first offense as Class C felony and allows the person (defendant) to use an affirmative defense that defendant reasonably believed the person solicited was eighteen or older (ORS 163.325) if the minor was at least 16 years old. In addition, the measure:

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

- ♦ Allows the court to require the offender to register as a sex offender but does not create a mandate.
- ♦ Mandates "john school" if a defendant has one or more prior convictions and sets the penalty as a Class B felony with mandated sex offender registration.
- ♦ Prohibits use of the affirmative defense that the defendant reasonably believed the child was eighteen or older for subsequent offenses.



SB 673: Purchasing Sex With a Minor, Cont.

- ◆ Modifies the crime of trafficking in persons by creating different felony classifications for benefiting financially from trafficking and knowing that another person will be subjected to involuntary servitude (Class B felony); and knowing that a person will be coerced into commercial sex acts by force or fraud and disregarding the fact that trafficked person is a minor (Class A felony).
- ◆ Includes these crimes under the “rape shield” laws for evidentiary purposes.
- ◆ Allows application by a prosecuting attorney for use of technology to intercept wire, oral, or electronic communication to investigate these crimes.
- ◆ Allows victims of these crimes to apply to the court for restitution awards within 90 days of the sentencing, and to criminal victims compensation fund for covering of certain related expenses.
- ◆ Adds these crimes under the definition of crimes covered by the racketeering statute.
- ◆ Adds these crimes in definition of sex crimes, making these offenses for which registration is required.
- ◆ Adds these crimes to definition of sexual exploitation.
- ◆ Grants Department of Public Safety Standards and Training with the ability to require advanced training in sex trafficking.



SJM 1: Notification of Sex Crimes in Military Courts

This measure urges Congress to develop a means of disclosure to states where persons convicted of sex crimes in military courts plan to reside. Senate Joint Memorial 1 supports the development of a means to disclose military crimes that require sex offender registration so states may enforce reporting and registration requirements against military offenders, as well as civilian offenders.

VITAL STATISTICS

Filed with the Secretary of State:
May 6th, 2013

SURVEILLANCE/DRONES

HB 2710: Drone Regulation for Law Enforcement

HB 2710 prohibits law enforcement from using a drone to acquire information unless specifically authorized to do so by statute. The measure:

- ◆ Requires a search warrant unless there are exigent circumstances.
- ◆ Allows a drone to be used for emergencies or tracking individuals fleeing a crime.
- ◆ Allows a drone to be used for reconstructing a crime scene or for training purposes.
- ◆ Requires public bodies to register drones with the Oregon Aviation Board and report annually on its use.
- ◆ Preempts local government from regulating drones.
- ◆ Establishes that it is a crime to use a drone to attack an airplane and to interfere with the use of an Unmanned Aerial Vehicle.
- ◆ Prohibits public bodies from arming drones.
- ◆ Grants attorney fees to a property owner under certain limited circumstances if the drone has been trespassing in the airspace above the person's property.
- ◆ Limits the use of information that a public body obtains from a drone.
- ◆ Makes the reporting requirements applicable after January 1, 2016.
- ◆ Allows the Oregon Aviation Board to adopt rules to implement the reporting requirements.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending



TRAFFIC/MOTOR VEHICLE

HB 2107: Electronic Proof of Insurance Authorized

HB 2107 permits a person to satisfy their requirement to verify proof of insurance to do so electronically. The measure provides an exemption to the offense of failure to carry proof of compliance with financial responsibility requirements for motor vehicle operators when a police officer verifies compliance through the Law Enforcement Data System.

VITAL STATISTICS

Effective Date: May 14th, 2013
2013 ORS Site: Chapter 108

HB 2195: Civil Immunity for Driver Impairment Report

HB 2195 specifies that a physician or health care provider who voluntarily makes a report in good faith to Department of Transportation regarding a cognitive or functional impairment to an individual, which affects that individual's ability to safely operate motor vehicle, is immune from civil liability that might otherwise result from making report.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 65



HB 2261: Provisional Drivers License Clarification

HB 2261 specifies that provisional driver license restrictions do not apply to persons 18 years of age or older. The measure is designed to address a few cases that have arisen during recent years where law enforcement cited 18-year olds who have had their provisional licenses for less than one year for violating graduated driver license provisions. The measure specifies that the provisional license restrictions on hours of operation and passengers under 20 years of age apply only to provisional license holders who are under 18 years of age.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 68

HB 2265: Photo Radar in Work Zones/Workers Present

HB 2265 allows for use of photo radar enforcement in highway work zones, including work zones located on interstate highways, if workers are present or in cases where the configuration of the roadway is temporarily changed. The measure also removes sunset on provisions allowing use of photo radar enforcement in highway work zones.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 373



HB 2542: Revocation for “Failure to Perform the Duties”

This measure directs the Department of Transportation to revoke a license for three years where the defendant is convicted of failure to perform the duties of a driver to injured persons under ORS 811.705, and the court notes on the record that a person sustained serious physical injury.

VITAL STATISTICS

Effective Date: May 16th, 2013
2013 ORS Site: Chapter 124

HB 2562: Traffic Fine Distribution Revisions

HB 2562 attempts to address ongoing challenges with traffic fine revenue distribution that were created when HB 2712 was passed in 2009. Under current law, the first \$60 of most traffic fines collected are required to be remitted to the state as a priority payment. The remainder is kept by the jurisdiction that employs the officer who writes the citation and the court that adjudicates the case. Under HB 2562, the priority payment to the state is dropped to \$45 and a \$16 payment to the county where the violation occurred is added that will be paid only on fines that are paid in full. Because none of the revisions made to the traffic fine distribution system since 2009 have gone according to plan, in the final work session on the bill a one year sunset was placed on the changes. HB 2562 also removes the requirement that local courts pay appellate motion fees. Prior to court changes in 2011, public bodies were exempt from paying those fees but in a drafting error, that exemption was removed.

VITAL STATISTICS

Effective Date: Pending
2013 ORS Site: Pending

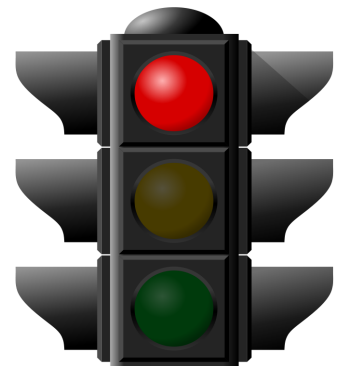


HB 2601: Red Light Photo Admissibility as Evidence

Allows use of red light photo camera pictures in criminal judicial proceedings of “A” misdemeanors or felonies and failure to obey traffic control device prosecutions excluding other violations. Under current law, use of photos/images from red light cameras were only authorized for use related to the red light violation. This measure expands the use of these photos.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 428



HB 2630: “Transit Bus” Definition Modification

Modifies definition of “transit bus” for purposes of offense of failure to yield right of way to transit bus entering traffic. Because of how “transit bus” is defined in ORS 811.167, the statute does not apply to county-operated transit buses. House Bill 2630 adds county transit buses to the definition of transit bus for purposes of the offense of failure to yield right of way.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 202



HB 3047: License Suspension for Failure to Pay Fines

HB 3047 allows a court to direct the Department of Motor Vehicles (DMV) to suspend and re-suspend a license for a person who fails to pay fines. The measure makes changes under both the failure to comply statute and the failure to appear statutes. Further, the bill extends the time period for a court to notify DMV of a suspension from 10 to 20 years from the date of the offense.

VITAL STATISTICS

Effective Date: June 18th, 2013

2013 ORS Site: Chapter 432

HB 3136: Citation Dismissal for Certain Window Tinting

HB 3136 allows a court to dismiss a citation issued for the offense of operating a motor vehicle with illegal window tinting, or to reduce the fine that the court would otherwise have imposed for the offense, if the defendant establishes that the tinting was modified to comply with statutory requirements.

VITAL STATISTICS

Effective Date: January 1st, 2014

2013 ORS Site: Chapter 216

HB 3438: Photo School Zone Pilot Program (Fairview)

HB 3438 authorizes the City of Fairview to conduct a pilot project for the operation of photo radar in a school zone on days when school is in session between the hours of 7:00 a.m. and 5 p.m. if the school zone has a flashing light to alert drivers that children are arriving or leaving the school grounds. The measure:

- ◆ Requires that a sign announcing "Traffic Laws Photo Enforced" be posted between 100 and 400 yards before the location of the photo radar unit.
- ◆ Requires a sign that provides drivers with information about the driver's current rate of speed be posted between 100 and 400 yards before each entrance to the school zone.
- ◆ Requires that a police officer review the video recording of conduct prior to signing a citation for a violation issued with use of photo radar in school zone during pilot program.
- ◆ Directs the City of Fairview to conduct a biennial program evaluation and report results to Legislative Assembly by March of each odd-numbered year.
- ◆ Sunsets January 2, 2022.

VITAL STATISTICS

Effective Date: Pending

2013 ORS Site: Pending

SB 444: Smoking in a Vehicle with a Minor Violation

SB 444 makes smoking in a vehicle with a minor a Class D traffic violation and enforceable only as a secondary offense. The violation is increased to a Class C traffic violation for subsequent offenses.

VITAL STATISTICS

Effective Date: January 1st, 2014

2013 ORS Site: Chapter 361



SB 487: Slow Moving Vehicle Emblem Requirements

Expands offense of violation of slow-moving vehicle emblem requirements to include display of slow-moving emblem on highway for purpose other than what is required under law. ORS 815.110 outlines the types of vehicles that are required to display a slow-moving vehicle emblem when operating such vehicle on Oregon roadways. The list includes: vehicles (or combinations of vehicles) that are designed for customary use at speeds of less than 25 miles per hour; golf carts or similar vehicles when operated by a person with a disability; and Class I, II and IV all-terrain vehicles when being operated on a highway as part of agricultural or farm-

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 478



SB 833: Short Term Driver's Card - "Safe Roads Act"

Senate Bill 833 directs the Oregon Department of Transportation to create and issue a driver card that is subject to all statutes and procedures that govern driver licenses and driver permits, with the exception that the driver card does not require applicants to prove they are legally present in the United States.

SB 833 includes the following additional provisions:

- ♦ The person seeking a card provides proof of residency in this state in excess of one year as of the date of application.
- ♦ The person seeking the card provides proof of identify and date of birth by submitting and unexpired valid passport or an unexpired valid consular identification document.
- ♦ The driver card is to be valid for four years.
- ♦ The driver card must not indicate that it is a license or permit and must include a distinguishing feature to identify it as a driver card.
- ♦ A driver card is not usable for identification purposes except to designate that the individual is an organ donor, an emancipated minor, a veteran, or to establish identity for civil proceedings or missing person investigations.

VITAL STATISTICS

Effective Date: January 1st, 2014
2013 ORS Site: Chapter 48



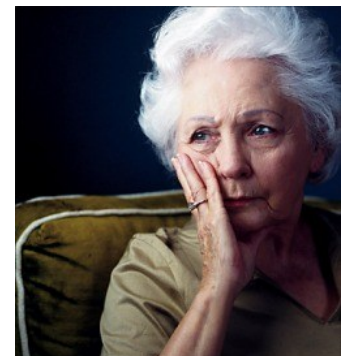
VICTIMS LEGISLATION

HB 2205: Elder Abuse Reporting and Investigation

HB 2205 adds members of the Oregon Legislative Assembly, attorneys, dentists, optometrists, and chiropractors to the list of those persons who must report elderly abuse. Exempts attorneys and members of the clergy from reporting elderly abuse if the information was obtained pursuant to their respective professional capacities. Requires those with a duty to report to do so not just when working in their professional capacity but all the time. Directs the Oregon State Bar to adopt minimum training standards for lawyers on elderly abuse. Adds five members to the Oregon Elderly Abuse Work Group. Directs the work group to study and make recommendations that align definitions of abuse of vulnerable persons across populations, agencies, law enforcement and service providers. Requires the work group to report to the legislature no later than February 1, 2014. Requires Department of Human Services (DHS) to adopt rules to ensure that investigations of abuse of vulnerable persons are conducted in uniform, objective and thorough manner throughout state. Directs DHS to prepare annual report to Legislative Assembly regarding reports and complaints of abuse

VITAL STATISTICS

Effective Date: June 11th, 2013
2013 ORS Site: Chapter 352



HB 2774: Task Force on Victims' Rights Continuation

HB 2774 continues the Task Force on Victims' Rights Enforcement by repealing the sunset clause on the existing law. As background, the 2009 legislature created the Task Force on Victims' Rights Enforcement to review the implementation of crime victims' rights. The Attorney General appoints members of the task force including: (1) two individuals associated with groups advocating for the rights of victims; (2) one criminal defense attorney; (3) one district attorney or assistant district attorney; (4) one member of the Department of Justice Crime Victim's Services Division; (5) or other persons the Attorney General deems appropriate. The Chief Justice of the Oregon Supreme Court appoints: (1) one judge; (2) one person employed by the Department of Justice; and (3) one person employed by the Office of Public Defense Services.

VITAL STATISTICS

Effective Date: July 1st, 2013
2013 ORS Site: Chapter 582



Legislative Report Bill Index

ALCOHOL/DUII

HB 2116:	Ignition Interlock Device Exemptions	1
HB 2117:	Missouri v. McNeely Implied Consent Fix	1
HB 2121:	Court Ordered Treatment Completion	1
HB 2627:	Diversion Failure/Fees Owed Remedy	2
HB 2773:	Diversion Disqualifier Elimination (Limited)	2

ANIMAL OFFENSES

HB 2783:	Offense of Unlawful Tethering	2
SB 6:	Increased Penalties for Animal Abuse/Neglect	3

BUDGET HIGHLIGHTS

SB 5505:	Department of Corrections Budget Summary	4
HB 5038:	Oregon State Police Budget	4
HB 5042:	DPSST Budget	5

CORRECTIONS (Parole & Probation)

HB 2143:	DOC Local Facility Inspection Elimination	5
HB 2234:	Inactive Status for Post-Prison Offenders	5
HB 2235:	DOC Obligation to Train Corrections Officers	6
HB 2236:	Out-of-State DOC Contracting Authority	6
HB 2685:	Leave & Program Eligibility (DOC to Jail)	6
HB 2986:	License Reinstatement for Apprenticeships	6
HB 3245:	Inmate Trade Work (DOC Supervision)	7
SB 186:	Tracking Device Warrant (Wildlife, Fishing, etc.)	7
SB 187:	Juvenile Conditional Release - DOC Release Plan	7
SB 188:	OYA Release Program for Juvenile Offenders in DOC	7
SB 843:	Corrections Health Care Costs Work Group	8

CRIMES AND VIOLATIONS

HB 3434:	Definition of "within 1000 feet"	8
SB 834:	Increased Penalty for False Reporting	8

CRIMINAL BACKGROUND CHECKS

HB 2053:	Tribal Background Checks for Foster Care	8
HB 2920:	DHS Notice for Criminal Records Requests	9
HB 3330:	Electronic Fingerprint Capture Requirement	9
HB 3331:	Voluntary Records Check Registry	9

DPSST LEGISLATION

HB 2043:	DPSST Denial of Training or Certification	10
SB 481:	Center for Policing Excellence (See HB 3194)	10

DRUGS (ILLEGAL/PRESCRIPTION)

HB 2554:	Diversion Eligibility for Prescription Drugs	10
----------	--	----

Legislative Report Bill Index

EMERGENCY (911 & Management)

HB 2034:	Tribal Emergency Management Grant Funding	11
HB 3317:	911 Tax Extension	11
HB 3453:	Public Safety Fiscal Emergency Declaration	11, 12
SB 33:	Task Force on Resilience Plan Implementation	12
SB 598:	Automatic Location Identification Database	13
SB 813:	Seismic Grant Program Oversight Change	13

FORENSICS/EVIDENCE

HB 3467:	Website Mug Shot Removal Procedure	13
SB 42:	Trial Court DNA Appeal Process	13
SB 141:	Business Entities a Protected Person for ID Theft	14

FORFEITURE LEGISLATION

HB 2603:	"Gray Machine" Regulation	14
SB 27:	Asset Forfeiture Report Date Change	14

HONOR AND RECOGNITION

HB 2182:	First Responder Appreciation Day	15
HB 3487:	PERS Vesting for Line of Duty Death	15

IMMIGRATION/RACE ISSUES

HB 2517:	Compact of Free Association Driver's License	15
SB 463:	Racial and Ethnic Impact Statement	15

JUVENILE/CHILD

HB 2049:	Parole and Probation Custody Authority	16
HB 2789:	School Drills for Safety Threats	16
HB 3183:	Sheriff Authorized to Deliver Juvenile to OYA	16

LABOR/MANAGEMENT

HB 2654:	Social Media Policy	16
HB 3342:	Public Sector Neutrality	17

MARIJUANA ISSUES

HB 3460:	Dispensary Legalization	17
SB 40:	Marijuana Penalty Changes	17
SB 82:	Marijuana License Suspension Elimination	18
SB 281:	Marijuana Debilitating Condition for PTSD	18

MENTALL ILLNESS

HB 2594:	Outpatient Assisted Treatment Orders	18
SB 421:	Kilcullen Aid and Assist Legislation	18

MISCELLANEOUS

SB 29:	Oregon Alignment with National Fireworks Law	19
SB 565:	OHSU Police Department Authority	19

Legislative Report Bill Index

OFFICER ISSUES

HB 2041:	Employer Address on DMV Records	19
SB 482:	Illegal Propelling Statute - Addition of "Saliva"	19

PERS ISSUES

SB 822:	Public Employees Retirement System Reform	20
---------	---	----

SENTENCING/PROSECUTION

HB 3194:	Public Safety Reinvestment Package	20, 21
SB 492:	Brady v. Maryland Disclosure Codification	21

PROSTITUTION/TRAFFICKING

HB 2334:	Adds "Attempted" to Compelling Prostitution	22
HB 2549:	Three Tiered Sex Offender Ranking System	22
HB 2779:	Sexual Abuse Restraining Orders	22
HB 3253:	Out of State/Federal Sex Offender Registration	23
HB 3327:	Sex Crime Conviction Set Aside	23
SB 30:	Sex Offender Registry Additions	23
SB 673:	Purchasing Sex with a Minor (New Crime)	23, 24
SJM 1:	Notification of Sex Crimes in Military Courts	24

SURVEILLANCE/DRONES

HB 2710:	Drone Regulation for Law Enforcement	24
----------	--------------------------------------	----

TRAFFIC/MOTOR VEHICLE

HB 2107:	Electronic Proof of Insurance Authorized	25
HB 2195:	Civil Immunity for Driver Impairment Report	25
HB 2261:	Provisional Driver's License Clarification	25
HB 2265:	Photo Radar in Work Zones/Workers Present	25
HB 2542:	Revocation for "Failure to Perform the Duties"	26
HB 2562:	Traffic Fine Distribution Revisions	26
HB 2601:	Red Light Photo Admissibility as Evidence	26
HB 2630:	"Transit Bus" Definition Modification	26
HB 3047:	License Suspension for Failure to Pay Fines	27
HB 3136:	Citation Dismissal for Certain Window Tinting	27
HB 3438:	Photo School Zone Pilot Program (Fairview)	27
SB 444:	Smoking in a Vehicle with a Minor Violation	27
SB 487:	Slow Moving Vehicle Emblem Requirements	28
SB 833:	Short Term Driver's Card - "Safe Roads Act"	28

VICTIMS LEGISLATION

HB 2205:	Elder Abuse Reporting and Investigation	28
HB 2774:	Task Force on Victims' Rights Continuation	29