

Senate Bill 332

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires proof of completion of drug or alcohol education or treatment prior to reinstatement of driving privileges for juveniles within jurisdiction of juvenile court for drug-related offenses.

A BILL FOR AN ACT

1
2 Relating to juveniles; amending ORS 419C.472 and 809.260.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 419C.472 is amended to read:

5 419C.472. (1)(a) The court may order that the driving privileges of a youth be suspended if:

6 [(a)] (A) The petition alleges that the youth is within the jurisdiction of the court for violating
7 ORS 471.430;

8 [(b)] (B) The youth has been issued a summons under ORS 419C.306; and

9 [(c)] (C) The youth fails to appear as required by the summons.

10 [(2)] (b) When a court issues an order under [*subsection (1) of this section*] **paragraph (a) of this**
11 **subsection:**

12 [(a)] (A) The court shall send a notice to the Department of Transportation certifying that the
13 youth failed to appear and that the court has ordered the suspension of the driving privileges of the
14 youth; and

15 [(b)] (B) Neither the state nor a juvenile department counselor may file a petition under ORS
16 419C.250 alleging that the youth is within the jurisdiction of the court for having committed an act
17 that if committed by an adult would constitute a violation of ORS 153.992.

18 **(2)(a) The court shall order the driving privileges of a youth offender be suspended if the**
19 **order of jurisdiction is based on an act that if committed by an adult would constitute an**
20 **offense involving the delivery, manufacture or possession of a controlled substance, as de-**
21 **defined in ORS 475.005.**

22 **(b) When a court issues an order under paragraph (a) of this subsection, the court shall**
23 **send an order of denial of driving privileges to the Department of Transportation certifying**
24 **that the youth offender has committed an act that is grounds for denial, suspension or re-**
25 **vocation of driving privileges under ORS 809.260.**

26 **SECTION 2.** ORS 809.260 is amended to read:

27 809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years
28 of age, is convicted of any offense described in this subsection or determined by a juvenile court to
29 have committed one of the described offenses, the court in which the person is convicted shall pre-
30 pare and send to the Department of Transportation, within 24 hours of the conviction or determi-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 nation, an order of denial of driving privileges for the person so convicted. This section applies to
 2 ORS 166.370 and to any offense involving the delivery, manufacture or possession of controlled
 3 substances or the possession, use or abuse of alcohol.

4 **(2) A person subject to an order of denial of driving privileges under subsection (1) of this**
 5 **section for an offense described in ORS 419C.472 (2) shall submit to a drug and alcohol eval-**
 6 **uation and complete drug or alcohol education or treatment. Upon completion of drug or**
 7 **alcohol education or treatment, the person may petition the court to withdraw the order of**
 8 **denial of driving privileges. Unless the person has submitted proof of completion of drug or**
 9 **alcohol education or treatment, the court may not withdraw the order of denial of driving**
 10 **privileges.**

11 [(2)] (3) If a court has issued an order of denial of driving privileges under this section, the
 12 court, upon petition of the person, may review the order and may withdraw the order at any time
 13 the court deems appropriate except as provided in the following:

14 (a) A court may not withdraw an order for a period of 90 days following the issuance of the
 15 order if it is the first such order issued with respect to the person.

16 (b) A court may not withdraw an order for a period of one year following the issuance of the
 17 order if it is the second or subsequent such order issued with respect to the person.

18 (c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for a
 19 period of six months if the order is based on a determination or conviction involving controlled
 20 substances.

21 [(3)] (4) Upon receipt of an order under this section, the department shall take action as directed
 22 under ORS 809.280.

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