

(To Resolve Conflicts)

B-Engrossed
House Bill 2662

Ordered by the Senate June 3
Including House Amendments dated April 25 and Senate Amendments
dated June 3 to resolve conflicts

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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.

Eliminates delayed operative date for provisions requiring specified state agencies and Psychiatric Security Review Board to provide Department of State Police with minimum information necessary to identify persons who are subject to certain court orders or about whom court has made certain findings for purpose of transmitting information to federal government. Makes provisions operative on effective date of Act.

Extends sunset on provisions creating process by which specified persons who are barred from transporting, shipping, possessing or receiving firearm may petition for relief, from January 2, 2012, to January 2, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; amending sections 12, 14 and 15, chapter 826, Oregon
3 Laws 2009; repealing sections 5, 6 and 6c, chapter ___, Oregon Laws 2011 (Enrolled Senate Bill
4 390); and declaring an emergency.

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

6 **SECTION 1.** Section 12, chapter 826, Oregon Laws 2009, as amended by section 21, chapter 826,
7 Oregon Laws 2009, is amended to read:

8 **Sec. 12.** (1) [*Section 1 of this 2009 Act*] **ORS 181.740** applies to records and information in the
9 possession of the Department of Human Services, the Oregon Health Authority, the Psychiatric Se-
10 curity Review Board or the Judicial Department on or after [*the effective date of this 2009 Act*]
11 **January 1, 2010**, irrespective of when the record or information was created.

12 [(2)(a) *When the Department of Human Services determines that the department has received a*
13 *sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this*
14 *2009 Act, the department shall adopt a rule so indicating. The department shall notify Legislative*
15 *Counsel when the rule is adopted.*]

16 [(b) *When the Oregon Health Authority determines that the authority has received a sufficient leg-*
17 *islative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the*
18 *authority shall adopt a rule so indicating. The authority shall notify Legislative Counsel when the rule*
19 *is adopted.*]

20 [(c) *When the Chief Justice of the Supreme Court determines that the Judicial Department has re-*
21 *ceived a sufficient legislative appropriation or federal funding to carry out the provisions of section 1*
22 *of this 2009 Act, the Chief Justice shall issue an order so indicating. The Chief Justice shall notify*

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 *Legislative Counsel when the order is issued.]*

2 *[(d) When the Psychiatric Security Review Board determines that the board has received a suffi-*
3 *cient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009*
4 *Act, the board shall adopt a rule so indicating. The board shall notify Legislative Counsel when the*
5 *rule is adopted.]*

6 *[(3)(a)(A) The Department of Human Services may not comply with section 1 of this 2009 Act until*
7 *the department adopts the rule described in subsection (2)(a) of this section; and]*

8 *[(B) If the Department of Human Services adopts the rule described in subsection (2)(a) of this*
9 *section before January 2, 2012, the department may not comply with section 1 of this 2009 Act until the*
10 *later of:]*

11 *[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this*
12 *2009 Act; or]*

13 *[(ii) January 2, 2012.]*

14 *[(b)(A) The Oregon Health Authority may not comply with section 1 of this 2009 Act or the*
15 *amendments to ORS 166.412 by section 17 of this 2009 Act until the authority adopts the rule described*
16 *in subsection (2)(b) of this section; and]*

17 *[(B) If the Oregon Health Authority adopts the rule described in subsection (2)(b) of this section*
18 *before January 2, 2012, the authority may not comply with section 1 of this 2009 Act or the amendments*
19 *to ORS 166.412 by section 17 of this 2009 Act until the later of:]*

20 *[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this*
21 *2009 Act; or]*

22 *[(ii) January 2, 2012.]*

23 *[(c)(A) The Judicial Department may not comply with section 1 of this 2009 Act until the Chief*
24 *Justice issues the order described in subsection (2)(c) of this section; and]*

25 *[(B) If the Chief Justice issues the order described in subsection (2)(c) of this section before Janu-*
26 *ary 2, 2012, the Judicial Department may not comply with section 1 of this 2009 Act until the later*
27 *of:]*

28 *[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this*
29 *2009 Act; or]*

30 *[(ii) January 2, 2012.]*

31 *[(d)(A) The Psychiatric Security Review Board may not comply with section 1 of this 2009 Act until*
32 *the board adopts the rule described in subsection (2)(d) of this section; and]*

33 *[(B) If the board adopts the rule described in subsection (2)(d) of this section before January 2,*
34 *2012, the board may not comply with section 1 of this 2009 Act until the later of:]*

35 *[(i) The date the board adopts the rule described in section 13 of this 2009 Act; or]*

36 *[(ii) January 2, 2012.]*

37 *[(4)(a) When the Chief Justice of the Supreme Court determines that the Judicial Department has*
38 *received a sufficient legislative appropriation or federal funding to carry out the provisions of the*
39 *amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act, the Chief Justice shall*
40 *issue an order so indicating. The Chief Justice shall notify Legislative Counsel when the order is is-*
41 *sued.]*

42 *[(b)(A)] (2) [Except as provided in subparagraph (B) of this paragraph,] The amendments to ORS*
43 *426.160 and 427.293 by sections 2 and 3, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] become*
44 *operative on the **effective date of this 2011 Act**. [date the Chief Justice issues the order described*
45 *in paragraph (a) of this subsection.]*

1 *[(B) If the Chief Justice issues the order described in paragraph (a) of this subsection before Jan-*
2 *uary 2, 2012, the amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act become*
3 *operative on the later of:]*

4 *[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this*
5 *2009 Act; or]*

6 *[(ii) January 2, 2012.]*

7 **SECTION 2.** Section 14, chapter 826, Oregon Laws 2009, as amended by section 23, chapter 826,
8 Oregon Laws 2009, is amended to read:

9 **Sec. 14.** *[(1) Sections 5 and 13 of this 2009 Act are repealed on January 2, 2012.]*

10 **(1) Section 5, chapter 826, Oregon Laws 2009, as amended by sections 18 and 18a, chapter**
11 **826, Oregon Laws 2009, is repealed on January 2, 2016.**

12 **(2) Section 13, chapter 826, Oregon Laws 2009, as amended by section 22, chapter 826,**
13 **Oregon Laws 2009, is repealed on January 2, 2016.**

14 *[(2)] (3) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 10, 11, 11a and*
15 *20, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** become operative on January 2, [2012]*
16 *2016.*

17 **SECTION 3.** Section 15, chapter 826, Oregon Laws 2009, as amended by section 24, chapter 826,
18 Oregon Laws 2009, is amended to read:

19 **Sec. 15.** (1) The repeal of section 5, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** by
20 section 14, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** does not affect any petition for relief
21 filed pursuant to section 5, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** with the Psychiatric
22 Security Review Board before January 2, [2012] **2016.** Any proceeding commenced under section 5,
23 **chapter 826, Oregon Laws 2009, [of this 2009 Act]** before January 2, [2012] **2016,** shall continue to
24 be governed by the provisions of section 5, **chapter 826, Oregon Laws 2009 [of this 2009 Act].**

25 (2) Nothing in the repeal of section 5, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** by
26 section 14, **chapter 826, Oregon Laws 2009, [of this 2009 Act]** or the amendments to ORS 166.250,
27 166.274, 166.291 and 166.470 by sections 10, 11, 11a and 20, **chapter 826, Oregon Laws 2009, [of this**
28 **2009 Act]** affects the relief granted to a person under section 5, **chapter 826, Oregon Laws 2009**
29 **[of this 2009 Act].**

30 **SECTION 3a.** If Senate Bill 390 becomes law, sections 5 (amending section 12, chapter 826,
31 Oregon Laws 2009) and 6, chapter __, Oregon Laws 2011 (Enrolled Senate Bill 390), are re-
32 pealed.

33 **SECTION 3b.** If Senate Bill 390 becomes law and Senate Bill 68 does not become law, the
34 amendments to ORS 426.160 and 427.293 by sections 2 and 4, chapter __, Oregon Laws 2011
35 (Enrolled Senate Bill 390), become operative on the effective date of this 2011 Act.

36 **SECTION 3c.** If both Senate Bill 390 and Senate Bill 68 become law, the amendments to
37 ORS 426.160 and 427.293 by sections 6a and 6b, chapter __, Oregon Laws 2011 (Enrolled
38 Senate Bill 390), become operative on the effective date of this 2011 Act.

39 **SECTION 3d.** If both Senate Bill 390 and Senate Bill 68 become law, section 6c, chapter
40 __, Oregon Laws 2011 (Enrolled Senate Bill 390), is repealed.

41 **SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.