

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2710
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 29

1 On page 1 of the printed B-engrossed bill, line 10, delete the first “and” and delete “24,”.

2 In line 11, after “2010” insert “, section 1, chapter 224, Oregon Laws 2011 (Enrolled House Bill
3 2367), section 27, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), section 3, chapter ____,
4 Oregon Laws 2011 (Enrolled House Bill 2104), and section 5, chapter ____, Oregon Laws 2011 (En-
5 rolled House Bill 3075)”.

6 In line 14, after “2009” insert “, sections 3 and 4, chapter 271, Oregon Laws 2011 (Enrolled
7 Senate Bill 408), sections 2 and 5, chapter ____, Oregon Laws 2011 (Enrolled House Bill 2104), and
8 section 4, chapter ____, Oregon Laws 2011 (Enrolled House Bill 3075)”.

9 On page 38, delete lines 35 through 45.

10 On page 39, delete lines 1 through 37 and insert:

11 “**SECTION 92.** ORS 1.202 is amended to read:

12 “1.202. (1) All circuit courts and appellate courts of this state, and all commissions, departments
13 and divisions in the judicial branch of state government, shall add a fee of not less than \$50 and
14 not more than \$200 to any judgment that includes a monetary obligation that the court or judicial
15 branch is charged with collecting. The fee shall cover the cost of establishing and administering an
16 account for the debtor and shall be added without further notice to the debtor or further order of
17 the court. The fee shall be added only if the court gives the defendant a period of time in which to
18 pay the obligation after the financial obligation is imposed. Fees under this subsection shall be de-
19 posited in the General Fund.

20 “(2) All circuit courts and appellate courts of this state, and all commissions, departments and
21 divisions in the judicial branch of state government, that use private collection agencies, the De-
22 partment of Revenue or an offset of federal tax refunds pursuant to an agreement entered into under
23 ORS 1.196 shall add a fee to any judgment referred for collection that includes a monetary obli-
24 gation that the state court or the commission, department or division is charged with collecting. A
25 fee to cover the costs of collecting judgments referred to the private collection agency, the De-
26 partment of Revenue, the United States Financial Management Service or the Internal Revenue
27 Service shall be added to the monetary obligation without further notice to the debtor or further
28 order of the court. The fee may not exceed the actual costs of collecting the judgment. [*Fees under
29 this subsection shall be deposited in the Judicial Department Collections Account established under
30 ORS 1.204 and may be used only for the purposes specified in ORS 1.204.*]

31 “(3) The Chief Justice of the Supreme Court may authorize courts to waive or suspend the fees
32 required to be added to judgments under this section. Except to the extent authorized by the Chief
33 Justice, a court may not waive or suspend the fees required to be added to judgments under this
34 section.

1 “**SECTION 92a.** ORS 1.202, as amended by section 36, chapter 659, Oregon Laws 2009, is
2 amended to read:

3 “1.202. (1) All circuit courts and appellate courts of this state, and all commissions, departments
4 and divisions in the judicial branch of state government, shall add a fee of not less than \$50 and
5 not more than [~~\$100~~] **\$200** to any judgment that includes a monetary obligation that the court or
6 judicial branch is charged with collecting. The fee shall cover the cost of establishing and adminis-
7 tering an account for the debtor and shall be added without further notice to the debtor or further
8 order of the court. The fee shall be added only if the court gives the defendant a period of time in
9 which to pay the obligation after the financial obligation is imposed. Fees under this subsection shall
10 be deposited in the General Fund.

11 “(2) All circuit courts and appellate courts of this state, and all commissions, departments and
12 divisions in the judicial branch of state government, that use private collection agencies, the De-
13 partment of Revenue or an offset of federal tax refunds pursuant to an agreement entered into under
14 ORS 1.196 shall add a fee to any judgment referred for collection that includes a monetary obli-
15 gation that the state court or the commission, department or division is charged with collecting. A
16 fee to cover the costs of collecting judgments referred to the private collection agency, the De-
17 partment of Revenue, the United States Financial Management Service or the Internal Revenue
18 Service shall be added to the monetary obligation without further notice to the debtor or further
19 order of the court. The fee may not exceed the actual costs of collecting the judgment. [*Fees under*
20 *this subsection shall be deposited in the Judicial Department Collections Account established under*
21 *ORS 1.204 and may be used only for the purposes specified in ORS 1.204.*]

22 “(3) The Chief Justice of the Supreme Court may authorize courts to waive or suspend the fees
23 required to be added to judgments under this section. Except to the extent authorized by the Chief
24 Justice, a court may not waive or suspend the fees required to be added to judgments under this
25 section.”.

26 On page 67, delete lines 5 through 7 and insert:

27 “**NOTE:** Section 150 was deleted by amendment. Subsequent sections were not renumbered.”.

28 On page 72, delete lines 34 through 45.

29 Delete page 73.

30 On page 74, delete lines 1 through 10 and insert:

31 “**SECTION 164.** Section 26, chapter 659, Oregon Laws 2009, is amended to read:

32 “**Sec. 26.** (1) In addition to the fees provided in ORS 135.921 and 813.240, upon the filing of a
33 petition for diversion under ORS 135.909 or 813.210, the court shall order the defendant to pay \$100
34 to the court as a program administration fee.

35 “(2) This section applies only to petitions for diversion filed on or after October 1, 2009, and
36 before [*July 1, 2011*] **January 1, 2012**.

37 “(3) Fees imposed under this section in the circuit court shall be deposited by the clerk of the
38 court in the [*Judicial System Surcharge Account*] **Criminal Fine and Assessment Account**. Fees
39 imposed in a justice court under this section shall be paid to the county treasurer. Fees imposed in
40 a municipal court under this section shall be paid to the city treasurer.

41 “[(4) *The collections and revenue management program established under ORS 1.204 may not be*
42 *reimbursed under ORS 1.204 from fees imposed under this section.*]

43 “**SECTION 165.** ORS 135.921 is amended to read:

44 “135.921. (1) The filing fee paid by a defendant at the time of filing a petition for a possession
45 of marijuana diversion agreement as provided in ORS 135.909 [*shall be \$233 and shall be ordered*

1 *paid as follows if the petition is allowed.:*

2 *“(a) \$123 to the Department of Revenue for deposit in the Criminal Fine and Assessment Account;*
3 *and]*

4 *“(b) \$110 to be distributed as provided for the disposition of costs under ORS 153.630.] is \$335.*
5 **A fee collected under this section in the circuit court shall be deposited by the clerk of the**
6 **court in the Criminal Fine and Assessment Account. If the fee is collected in a municipal**
7 **or justice court, \$125 of the fee shall be forwarded by the court to the Department of Re-**
8 **venue for deposit in the Criminal Fine and Assessment Account, and the remainder of the**
9 **fee shall be paid to the city or county treasurer.**

10 *“(2) If less than the [\$233] full filing fee is [paid to the court by the defendant under subsection*
11 *(1) of this section] collected under this section in a justice or municipal court, the money [actu-*
12 *ally] received shall be allocated [in the amounts provided] first to the [State Treasurer and the re-*
13 *mainder as provided for the disposition of costs under ORS 153.630] Department of Revenue for*
14 **deposit in the Criminal Fine and Assessment Account.**

15 *“(3) In addition to the filing fee under subsection (1) of this section, the court shall order the*
16 *defendant to pay \$90 directly to the agency or organization providing the diagnostic assessment.*

17 *“(4) The Chief Justice of the Supreme Court may require that any or all fees distributed by circuit*
18 *courts under this section be distributed through the offices of the State Court Administrator.]*

19 **“SECTION 166. The amendments to ORS 135.921 by section 165 of this 2011 Act apply only**
20 **to petitions for diversion filed on or after January 1, 2012.**

21 **“SECTION 167.** ORS 813.240 is amended to read:

22 *“813.240. (1) The filing fee paid by a defendant at the time of filing a petition for a driving while*
23 *under the influence of intoxicants diversion agreement as provided in ORS 813.210 is \$363. A fee*
24 **collected under this subsection in the circuit court shall be deposited by the clerk of the**
25 **court in the Criminal Fine and Assessment Account. If the fee is collected in a municipal**
26 **or justice court, \$163 of the fee shall be forwarded by the court to the Department of Re-**
27 **venue for deposit in the Criminal Fine and Assessment Account, and the remainder of the**
28 **fee shall be paid to the city or county treasurer. [shall be \$261 and shall be ordered paid as**
29 **follows if the petition is allowed:]**

30 *“(a) \$136 to be credited and distributed under ORS 137.295 as an obligation payable to the*
31 *state;]*

32 *“(b) \$100 to be treated as provided for disposition of fines and costs under ORS 153.630; and]*

33 *“(c) \$25 to be paid to the Director of the Oregon Health Authority for deposit in the Intoxicated*
34 *Driver Program Fund created under ORS 813.270, to be used for purposes of the fund.]*

35 **“(2) If less than the full filing fee is collected under subsection (1) of this section in a**
36 **municipal or justice court, the money received shall be allocated first to the Department of**
37 **Revenue for deposit in the Criminal Fine and Assessment Account.**

38 *“[(2)] (3) In addition to the filing fee under subsection (1) of this section, the court shall order*
39 *the defendant to pay \$150 directly to the agency or organization providing the diagnostic assess-*
40 *ment.*

41 **“SECTION 168. The amendments to ORS 813.240 by section 167 of this 2011 Act apply only**
42 **to petitions for diversion filed on or after January 1, 2012.**

43 **“NOTE:** Section 169 was deleted by amendment. Subsequent sections were not renumbered.”.

44 On page 77, line 41, delete “, 160, 167 and 169” and insert “and 160”.

45 On page 78, line 1, delete “135.921.”.

1 In line 2, delete “, 701.133, 813.210, 813.240” and insert “and 701.133”.
2 In line 5, delete “, 159, 166, 168 and 170” and insert “and 159”.
3 In line 6, delete “21.110,”.
4 In line 7, delete “, 36.170” and “7,”.
5 In line 8, delete “107,”.
6 After line 8, insert:

7
8 **“CONFLICT AMENDMENTS**
9

10 **“SECTION 176.** Section 1, chapter 224, Oregon Laws 2011 (Enrolled House Bill 2367), is
11 amended to read:

12 **“Sec. 1.** *[If the county governing body has passed a resolution under ORS 9.840 providing for the*
13 *operation of a law library or the provision of law library services, the county governing body may enter*
14 *into a contract with a law library association or other organization for the operation of the law library*
15 *or provision of law library services. A county governing body entering into a contract under this sec-*
16 *tion may use fees collected and paid to the county under ORS 9.840 to pay all amounts agreed to under*
17 *the contract.]*

18 **“(1) Each county shall:**

19 **“(a) Operate a free law library at a location that is convenient and available at reasonable**
20 **hours; or**

21 **“(b) Provide free law library services at one or more locations that are convenient and**
22 **available at reasonable hours.**

23 **“(2) A county governing body may enter into a contract with a law library association**
24 **or other organization for the operation of the law library, or the provision of law library**
25 **services, required by this section.**

26 **“SECTION 177.** If Senate Bill 408 becomes law, section 3, chapter 271, Oregon Laws 2011
27 **(Enrolled Senate Bill 408) (amending ORS 181.823), is repealed and ORS 181.823, as amended**
28 **by section 94 of this 2011 Act, is amended to read:**

29 *“181.823. [(1)(a)] (1) [No sooner than two years, but no later than five years, after the termination*
30 *of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Se-*
31 *curity Review Board under ORS 419C.529, board jurisdiction over a person required to report under*
32 *ORS 181.595, 181.596 or 181.597, the person may file a petition for relief from the duty to report. The*
33 *person must file the petition] A person required to report as a sex offender under section 1*
34 **(1)(a), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), may file a petition for an**
35 **order relieving the person of the duty to report. The person must pay the filing fee estab-**
36 **lished under section 8 of this 2011 Act. If the person resides:**

37 **“(a) In this state and is required to report under section 1 (2) or (3), chapter 271, Oregon**
38 **Laws 2011 (Enrolled Senate Bill 408), the petition must be filed** in the juvenile court in which
39 the person was adjudicated for the act that requires reporting. *[The person must pay the filing fee*
40 *established under section 8 of this 2011 Act.]*

41 **“(b) In another state and is required to report under section 1 (4), chapter 271, Oregon**
42 **Laws 2011 (Enrolled Senate Bill 408), the petition must be filed in the juvenile court in the**
43 **county in which the person attends school or works.**

44 **“(2) If the act giving rise to the obligation to report would constitute:**

45 **“(a) A Class A or Class B felony sex crime if committed by an adult, the petition may**

1 **be filed no sooner than two years after the termination of juvenile court jurisdiction over the**
2 **person or, if the person is placed under the jurisdiction of the Psychiatric Security Review**
3 **Board, no sooner than two years after the person is discharged from the jurisdiction of the**
4 **board.**

5 **“(b) A Class C felony sex crime if committed by an adult, the petition may be filed no**
6 **sooner than 30 days before the termination of juvenile court jurisdiction over the person or,**
7 **if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no**
8 **sooner than 30 days before the person is discharged from the jurisdiction of the board.**

9 “[*b*] (3)(a) The juvenile court in which a petition under this section is filed may transfer the
10 matter to the juvenile court of the county that last supervised the person if the court determines
11 that the convenience of the parties, the victim and witnesses require the transfer.

12 “[*c*] (b) The juvenile court has exclusive original jurisdiction in any proceeding under this
13 section.

14 “[*d*] (c) The person, the district attorney and the juvenile department are parties to a hearing
15 on a petition filed under this section.

16 “[*2*] *When a person files a petition under this section and the petition was filed:*]

17 “[*a*] *No later than three years after the termination of juvenile court jurisdiction or, if the person*
18 *was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529,*
19 *board jurisdiction, the state has the burden of proving by clear and convincing evidence that the person*
20 *is not rehabilitated and continues to pose a threat to the safety of the public.]*

21 “[*b*] *More than three years, but no later than five years, after the termination of juvenile court*
22 *jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review*
23 *Board under ORS 419C.529, board jurisdiction,]*

24 **“(4) The person **filing the petition** has the burden of proving by clear and convincing evidence**
25 **that the person is rehabilitated and does not pose a threat to the safety of the public.**

26 “[*3*] In determining whether [*the state or*] the person has met the burden of proof [*established*
27 *in subsection (2) of this section*], the juvenile court may consider but need not be limited to consid-
28 ering:

29 **“(a) The extent and impact of any physical or emotional injury to the victim;**

30 **“(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;**

31 **“(c) Whether the person used or threatened to use force in committing the act;**

32 **“(d) Whether the act was premeditated;**

33 **“(e) Whether the person took advantage of a position of authority or trust in committing the**
34 **act;**

35 **“(f) The age of any victim at the time of the act, the age difference between any victim and the**
36 **person and the number of victims;**

37 **“(g) The vulnerability of the victim;**

38 **“(h) Other acts committed by the person that would be crimes if committed by an adult and**
39 **criminal activities engaged in by the person before and after the adjudication;**

40 **“(i) Statements, documents and recommendations by or on behalf of the victim or the parents**
41 **of the victim;**

42 **“(j) The person’s willingness to accept personal responsibility for the act and personal account-**
43 **ability for the consequences of the act;**

44 **“(k) The person’s ability and efforts to pay the victim’s expenses for counseling and other**
45 **trauma-related expenses or other efforts to mitigate the effects of the act;**

1 “(L) Whether the person has participated in and satisfactorily completed a sex offender treat-
2 ment program or any other intervention, and if so the juvenile court may also consider:

3 “(A) The availability, duration and extent of the treatment activities;

4 “(B) Reports and recommendations from the providers of the treatment;

5 “(C) The person’s compliance with court, board or supervision requirements regarding treat-
6 ment; and

7 “(D) The quality and thoroughness of the treatment program;

8 “(m) The person’s academic and employment history;

9 “(n) The person’s use of drugs or alcohol before and after the adjudication;

10 “(o) The person’s history of public or private indecency;

11 “(p) The person’s compliance with and success in completing the terms of supervision;

12 “(q) The results of psychological examinations of the person;

13 “(r) The protection afforded the public by the continued existence of the records; and

14 “(s) Any other relevant factors.

15 “[4] (5) In a hearing under this section, the juvenile court may receive testimony, reports and
16 other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and
17 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this
18 section. As used in this subsection, ‘relevant evidence’ has the meaning given that term in ORS
19 40.150.

20 “[5] (6) When a petition is filed under this section, the state has the right to have a
21 psychosexual evaluation of the person conducted. The state shall file notice with the juvenile court
22 of its intention to have the person evaluated. If the person objects to the evaluator chosen by the
23 state, the juvenile court for good cause shown may direct the state to select a different evaluator.

24 “[6] (7) As soon as practicable after a petition has been filed under this section, the district
25 attorney or juvenile department shall make a reasonable effort to notify the victim of the crime that
26 the person has filed a petition seeking relief under this section and, if the victim has requested, to
27 inform the victim of the date, time and place of a hearing on the petition in advance of the hearing.

28 “[7(a)] (8)(a) [*When a petition has been filed under this section and the petition was*] **When a**
29 **petition filed under this section is** filed:

30 “(A) [*No later than three years after the termination of juvenile court jurisdiction or, if the person*
31 *was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529,*
32 *board jurisdiction,*] **While the person is under the jurisdiction of the juvenile court or the**
33 **Psychiatric Security Review Board or less than three years after the date the jurisdiction is**
34 **terminated**, the court shall hold a hearing [*on the petition*] no sooner than 60 days and no later than
35 120 days after the date of filing.

36 “(B) [*More than three years, but no later than five years, after the termination of juvenile court*
37 *jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review*
38 *Board under ORS 419C.529, board jurisdiction,*] **Three years or more after the date the juvenile**
39 **court or board jurisdiction is terminated**, the court shall hold a hearing no sooner than 90 days
40 and no later than 150 days after the date of filing.

41 “(b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court
42 may extend the period of time in which a hearing on the petition must be held.

43 “[8] (9)(a) [*When the state has the burden of proof under subsection (2) of this section and proves*
44 *by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to*
45 *the safety of the public, the court shall deny the petition. When the person has the burden of proof*

1 under subsection (2) of this section and] **When the person** proves by clear and convincing evidence
2 that the person is rehabilitated and does not pose a threat to the safety of the public, the court shall
3 grant the petition.

4 **“(b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition**
5 **filed under this section before the date the juvenile court or board jurisdiction over the**
6 **person is terminated.**

7 “[9] **(10)** When a juvenile court enters an order relieving a person of the requirement to report
8 under [ORS 181.595, 181.596 or 181.597] **section 1, chapter 271, Oregon Laws 2011 (Enrolled**
9 **Senate Bill 408)**, the person shall send a certified copy of the juvenile court order to the Depart-
10 ment of State Police.

11 “[10] **(11)** If a person commits an act that could be charged as a sex crime listed in ORS
12 137.707 and the person is 15, 16 or 17 years of age at the time the act is committed, the state and
13 the person may stipulate that the person may not petition for relief under this section as part of an
14 agreement that the person be subject to the jurisdiction of the juvenile court rather than being
15 prosecuted as an adult under ORS 137.707.

16 **“(12) When a petition is filed under subsection (2)(b) of this section before the termi-**
17 **nation of juvenile court or board jurisdiction, if the person, or the parent or guardian of the**
18 **person if the person is less than 18 years of age, requests counsel and is without sufficient**
19 **financial means to employ suitable counsel to represent the person, for purposes of the pe-**
20 **tion described in this section, the court shall appoint suitable counsel to represent the**
21 **person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.203,**
22 **419C.206 and 419C.209.**

23 **“SECTION 178. If Senate Bill 408 becomes law, section 4, chapter 271, Oregon Laws 2011**
24 **(Enrolled Senate Bill 408) (amending ORS 181.826), is repealed and ORS 181.826, as amended**
25 **by section 95 of this 2011 Act, is amended to read:**

26 “181.826. (1) Except as provided in subsection [(6)] (7) of this section, [*when a person is required*
27 *to report under ORS 181.595, 181.596 or 181.597 as a result of having been found in a juvenile adju-*
28 *ication in another United States court to have committed an act while the person was under 18 years*
29 *of age that would constitute a sex crime if committed in this state by an adult, the person may file a*
30 *petition in the circuit court of the county in which the person resides for]* **a person required to report**
31 **under section 1 (1)(b), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), may file a**
32 **petition in the juvenile court for** an order relieving the person of the duty to report. [*The person*
33 *must pay the filing fee established under section 8 of this 2011 Act. A petition may be filed under this*
34 *section only if:*] **The person must pay the filing fee established under section 8 of this 2011 Act.**
35 **If the person resides:**

36 **“(a) [*The person has been registered as a sex offender in this state for at least two years;*] In this**
37 **state and is required to report under section 1 (2) or (3), chapter 271, Oregon Laws 2011**
38 **(Enrolled Senate Bill 408), the petition must be filed in the juvenile court of the county in**
39 **which the person resides.**

40 **“(b) [*At least two years, but not more than five years, have elapsed since the termination of***
41 ***supervision on probation or parole; and]* In another state and is required to report under section**
42 **1 (4), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), the petition must be filed in**
43 **the juvenile court of the county in which the person attends school or works.**

44 **“(2) If the act giving rise to the obligation to report would constitute:**

45 **“(a) A Class A or Class B felony sex crime if committed in this state by an adult, the**

1 petition may be filed no sooner than two years after the termination of the other United
2 States court's jurisdiction over the person.

3 “(b) A Class C felony sex crime if committed in this state by an adult, the petition may
4 be filed no sooner than 30 days before the termination of the other United States court's
5 jurisdiction over the person.

6 “[c] (3) The person [submits] filing the petition must submit with the petition all releases
7 and waivers necessary to allow the district attorney for the county in which the petition is filed to
8 obtain the following documents from the jurisdiction in which the person was adjudicated for the
9 act for which reporting is required:

10 “[A] (a) The juvenile court petition;

11 “[B] (b) The dispositional report to the court;

12 “[C] (c) The order of adjudication or jurisdiction;

13 “[D] (d) Any other relevant court documents;

14 “[E] (e) The police report relating to the act for which reporting is required;

15 “[F] (f) The order terminating jurisdiction for the act for which reporting is required; and

16 “[G] (g) The evaluation and treatment records or reports of the person that are related to the
17 act for which reporting is required.

18 “[2] (4) A person filing a petition under this section has the burden of proving by clear and
19 convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the
20 public.

21 “[3] (5) Unless the court finds good cause for a continuance, the court shall hold a hearing on
22 the petition no sooner than 90 days and no later than 150 days after the date the petition is filed.

23 “[4] *Notwithstanding subsection (1)(b) of this section, if a person has not been registered as a sex
24 offender in this state for two years until more than five years have elapsed since the termination of
25 supervision on probation or parole, the person may file a petition seeking relief under this section if the
26 person files the petition no later than 90 days after the date on which the person has been registered
27 as a sex offender in this state for two years.]*

28 “[5] (6) If a person who files a petition under this section is required to report as a sex
29 offender for having committed an act that if committed in this state could have subjected the person
30 to prosecution as an adult under ORS 137.707, the court may not grant the petition notwithstanding
31 the fact that the person has met the burden of proof established in subsection [(2)] (4) of this section
32 unless the court determines that to do so is in the interest of public safety.

33 “[6] (7) This section does not apply to a person who is required to register as a sex offender
34 for life in the jurisdiction in which the offense occurred.

35 “[7] (8) In a hearing under this section, the court may receive testimony, reports and other
36 evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and
37 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this
38 section. As used in this subsection, ‘relevant evidence’ has the meaning given that term in ORS
39 40.150.

40 “[8] (9) If the court is satisfied by clear and convincing evidence that the person is rehabili-
41 tated and that the person does not pose a threat to the safety of the public, the court shall enter
42 an order relieving the person of the duty to report. When the court enters an order under this
43 subsection, the person shall send a certified copy of the court order to the Department of State
44 Police.

45 “**SECTION 179.** If Senate Bill 68 and House Bill 3204 do not become law, section 27, chapter

1 271, Oregon Laws 2011 (Enrolled Senate Bill 408), is amended to read:

2 “**Sec. 27.** (1) Sections 1 and 2 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled**
3 **Senate Bill 408)**, and the amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595,
4 181.596, 181.597, 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875,
5 417.042 and 696.880 by sections [3, 4 and] 7 to 24 [of this 2011 Act], **chapter 271, Oregon Laws 2011**
6 **(Enrolled Senate Bill 408)**, and **sections 177 and 178 of this 2011 Act** become operative on Jan-
7 uary 1, 2012.

8 “(2) Sections 1 and 2 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled Senate Bill**
9 **408)**, and the amendments to ORS 21.110, 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596,
10 181.597, 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042
11 and 696.880 by sections [3] 5 to 24 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled**
12 **Senate Bill 408)**, and **sections 177 and 178 of this 2011 Act** apply to persons adjudicated before,
13 on or after [the effective date of this 2011 Act] **June 7, 2011**.

14 “(3) A person who is adjudicated before January 1, 2012, and, but for the amendments to ORS
15 181.595, 181.596 and 181.597 by sections 11, 12 and 13, **chapter 271, Oregon Laws 2011 (Enrolled**
16 **Senate Bill 408)**, would be required to make an initial report as a sex offender on or after January
17 1, 2012, shall make an initial report that complies with section 1 (6) [of this 2011 Act], **chapter 271,**
18 **Oregon Laws 2011 (Enrolled Senate Bill 408)**, no later than the date described in section 1 (2)
19 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, as applicable.

20 “**SECTION 180.** If Senate Bill 68 becomes law and House Bill 3204 does not become law, section
21 27, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), as amended by section 36b, chapter
22 ___, Oregon Laws 2011 (Enrolled Senate Bill 68), is amended to read:

23 “**Sec. 27.** (1) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and
24 the amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598,
25 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and 696.880 by
26 sections [3, 4,] 7 to 11 and 13 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),
27 [and] section 36a [of this 2011 Act], **chapter ___, Oregon Laws 2011 (Enrolled Senate Bill 68)**, and
28 **sections 177 and 178 of this 2011 Act** become operative on January 1, 2012.

29 “(2) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and the
30 amendments to ORS 21.110, 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597,
31 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and
32 696.880 by sections [3] 5 to 11 and 13 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill
33 408), [and] section 36a [of this 2011 Act], **chapter ___, Oregon Laws 2011 (Enrolled Senate Bill**
34 **68)**, and **sections 177 and 178 of this 2011 Act** apply to persons adjudicated before, on or after [the
35 effective date of chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)] **June 7, 2011**.

36 “(3) A person who is adjudicated before January 1, 2012, and, but for the amendments to ORS
37 181.595, 181.596 and 181.597 by sections 11 and 13, chapter 271, Oregon Laws 2011 (Enrolled Senate
38 Bill 408), and section 36a [of this 2011 Act], **chapter ___, Oregon Laws 2011 (Enrolled Senate Bill**
39 **68)**, would be required to make an initial report as a sex offender on or after January 1, 2012, shall
40 make an initial report that complies with section 1 (6), chapter 271, Oregon Laws 2011 (Enrolled
41 Senate Bill 408), no later than the date described in section 1 (2), chapter 271, Oregon Laws 2011
42 (Enrolled Senate Bill 408), as applicable.

43 “**SECTION 181.** If Senate Bill 68 does not become law and House Bill 3204 becomes law, section
44 27, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), as amended by section 9, chapter ___,
45 Oregon Laws 2011 (Enrolled House Bill 3204), is amended to read:

1 “**Sec. 27.** (1) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and
2 the amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598,
3 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and 696.880 by
4 sections [3, 4,] 7 to 10, 13, 14 and 16 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),
5 [and] sections 6 to 8 [of this 2011 Act], **chapter __, Oregon Laws 2011 (Enrolled House Bill 3204),**
6 **and sections 177 and 178 of this 2011 Act** become operative on January 1, 2012.

7 “(2) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and the
8 amendments to ORS 21.110, 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597,
9 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and
10 696.880 by sections [3] **5** to 10, 13, 14 and 16 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate
11 Bill 408), [and] sections 6 to 8 [of this 2011 Act], **chapter __, Oregon Laws 2011 (Enrolled House**
12 **Bill 3204), and sections 177 and 178 of this 2011 Act** apply to persons adjudicated before, on or
13 after [the effective date of chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)] **June 7, 2011.**

14 “(3) A person who is adjudicated before January 1, 2012, and, but for the amendments to ORS
15 181.595, 181.596 and 181.597 by section 13, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),
16 and sections 6 and 7 [of this 2011 Act], **chapter __, Oregon Laws 2011 (Enrolled House Bill**
17 **3204),** would be required to make an initial report as a sex offender on or after January 1, 2012,
18 shall make an initial report that complies with section 1 (6), chapter 271, Oregon Laws 2011 (En-
19 rolled Senate Bill 408), no later than the date described in section 1 (2), chapter 271, Oregon Laws
20 2011 (Enrolled Senate Bill 408), as applicable.

21 “**SECTION 182. If House Bill 3075 becomes law and House Bill 2104 does not become law,**
22 **section 4, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075) (amending ORS 813.240),**
23 **is repealed.**

24 “**SECTION 183.** If House Bill 3075 becomes law and House Bill 2104 does not become law,
25 section 5, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075), is amended to read:

26 “**Sec. 5.** The amendments to ORS 813.030[, 813.240] and 813.602 by sections 2 [to 4 of this 2011
27 Act] **and 3, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075),** apply to offenses that
28 occur on or after the effective date of [this 2011 Act] **chapter __, Oregon Laws 2011 (Enrolled**
29 **House Bill 3075).**

30 “**SECTION 184. If House Bill 3075 does not become law and House Bill 2104 becomes law,**
31 **section 2, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104) (amending ORS 813.240),**
32 **is repealed.**

33 “**SECTION 185.** If House Bill 3075 does not become law and House Bill 2104 becomes law,
34 section 3, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104), is amended to read:

35 “**Sec. 3.** The amendments to ORS 813.030 [and 813.240 by sections 1 and 2 of this 2011 Act] **by**
36 **section 1, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104),** apply to persons convicted
37 of driving while under the influence of intoxicants on or after the effective date of [this 2011 Act]
38 **chapter __, Oregon Laws 2011 (Enrolled House Bill 2104),** and to persons who file a petition for
39 a driving while under the influence of intoxicants diversion agreement on or after the effective date
40 of [this 2011 Act] **chapter __, Oregon Laws 2011 (Enrolled House Bill 2104).**

41 “**SECTION 186. If both House Bill 3075 and House Bill 2104 become law, sections 2 and 5,**
42 **chapter __, Oregon Laws 2011 (Enrolled House Bill 2104) (both amending ORS 813.240), are**
43 **repealed and ORS 813.240, as amended by section 167 of this 2011 Act, is amended to read:**

44 “813.240. (1) The filing fee paid by a defendant at the time of filing a petition for a driving while
45 under the influence of intoxicants diversion agreement as provided in ORS 813.210 is [\$363] **\$386.**

1 A fee collected under this subsection in the circuit court shall be deposited by the clerk of the court
2 in the Criminal Fine and Assessment Account. If the fee is collected in a municipal or justice court,
3 \$163 of the fee shall be forwarded by the court to the Department of Revenue for deposit in the
4 Criminal Fine and Assessment Account, and the remainder of the fee shall be paid to the city or
5 county treasurer.

6 “(2) If less than the full filing fee is collected under subsection (1) of this section in a municipal
7 or justice court, the money received shall be allocated first to the Department of Revenue for de-
8 posit in the Criminal Fine and Assessment Account.

9 “(3) In addition to the filing fee under subsection (1) of this section, the court shall order the
10 defendant to pay \$150 directly to the agency or organization providing the diagnostic assessment.

11 “**SECTION 187.** If both House Bill 3075 and House Bill 2104 become law, section 3, chapter ____,
12 Oregon Laws 2011 (Enrolled House Bill 2104), as amended by section 6, chapter ____, Oregon Laws
13 2011 (Enrolled House Bill 2104), is amended to read:

14 “**Sec. 3.** The amendments to ORS 813.030 and 813.240 by [*sections 4 and 5 of this 2011 Act*]
15 **section 4, chapter ____, Oregon Laws 2011 (Enrolled House Bill 2104), and section 186 of this**
16 **2011 Act** apply to persons convicted of driving while under the influence of intoxicants on or after
17 the effective date of [*this 2011 Act*] **chapter ____, Oregon Laws 2011 (Enrolled House Bill 2104),**
18 and to persons who file a petition for a driving while under the influence of intoxicants diversion
19 agreement on or after the effective date of [*this 2011 Act*] **chapter ____, Oregon Laws 2011 (En-**
20 **rolled House Bill 2104).”.**

21 In line 12, delete “176” and insert “188”.

22 In line 18, delete “177” and insert “189”.

23
