

A-Engrossed
House Bill 2408

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representatives GILLIAM, BARTON; Representatives OLSON, TOMEI (at the request of John S. Foote, Clackamas County District Attorney) (Pre-session filed.)

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.

Modifies crime of endangering the welfare of a minor. Punishes [*permitting*] **exposing** person under 18 years of age, **if exposure is confirmed by chemical test**, to [*enter or remain in place where*] unlawful activity involving cocaine, heroin or methamphetamine [*is maintained or conducted*] by maximum of five years' imprisonment, \$125,000 fine, or both.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to endangering the welfare of a minor; creating new provisions; amending ORS 163.575,
3 163.580 and 475.245; and declaring an emergency.

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

5 **SECTION 1.** ORS 163.575 is amended to read:

6 163.575. (1) A person commits the crime of endangering the welfare of a minor if the person
7 knowingly:

8 (a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of
9 sexual conduct or sadomasochistic abuse as defined by ORS 167.060; [*or*]

10 (b) Permits a person under 18 years of age to enter or remain in a place where unlawful activity
11 involving controlled substances is maintained or conducted; [*or*]

12 (c) **Induces, causes or permits a person under 18 years of age to be exposed to unlawful**
13 **activity involving cocaine, heroin or methamphetamine, and a chemical test of the blood,**
14 **urine or hair of the person under 18 years of age confirms that the person under 18 years**
15 **of age has been exposed to cocaine, heroin or methamphetamine;**

16 [*(c)*] (d) Induces, causes or permits a person under 18 years of age to participate in gambling
17 as defined by ORS 167.117; [*or*]

18 [*(d)*] (e) Distributes, sells, or causes to be sold, tobacco in any form to a person under 18 years
19 of age; or

20 [*(e)*] (f) Sells to a person under 18 years of age any device in which tobacco, marijuana, cocaine
21 or any controlled substance, as defined in ORS 475.005, is burned and the principal design and use
22 of which is directly or indirectly to deliver tobacco smoke, marijuana smoke, cocaine smoke or
23 smoke from any controlled substance into the human body, including but not limited to:

24 (A) Pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air driven pipes,
25 corn-cob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens,
26 hashish heads or punctured metal bowls;

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 (B) Carburetion tubes and devices, including carburetion masks;
- 2 (C) Bongs;
- 3 (D) Chillums;
- 4 (E) Ice pipes or chillers;
- 5 (F) Cigarette rolling papers and rolling machines; and
- 6 (G) Cocaine free basing kits.

7 (2) Endangering the welfare of a minor by violation of subsection (1)(a), (b), [(c) or (e)] **(d) or (f)**
8 of this section, involving other than a device for smoking tobacco, is a Class A misdemeanor.

9 **(3) Endangering the welfare of a minor by violation of subsection (1)(c) of this section is**
10 **a Class C felony, and the Oregon Criminal Justice Commission shall classify the offense as**
11 **crime category 6 of the sentencing guidelines grid of the commission.**

12 [(3)] (4) Endangering the welfare of a minor by violation of subsection [(1)(d)] **(1)(e)** of this sec-
13 tion or by violation of subsection [(1)(e)] **(1)(f)** of this section, involving a device for smoking to-
14 bacco, is a Class A violation.

15 **SECTION 2.** ORS 163.580 is amended to read:

16 163.580. (1) Any person who sells any of the smoking devices listed in ORS 163.575 [(1)(e)] **(1)(f)**
17 shall display a sign clearly stating that the sale of such devices to persons under 18 years of age
18 is prohibited by law.

19 (2) Any person who violates this section commits a Class B violation.

20 **SECTION 3.** ORS 475.245 is amended to read:

21 475.245. Whenever any person pleads guilty to or is found guilty of possession of a controlled
22 substance under ORS 475.752 (3), 475.814, 475.824, 475.834, 475.854, 475.864, 475.874, 475.884 or
23 475.894, of endangering the welfare of a minor under ORS 163.575 (1)(b) **or (c)**, of frequenting a place
24 where controlled substances are used under ORS 167.222 or of a property offense that is motivated
25 by a dependence on a controlled substance, the court, without entering a judgment of guilt and with
26 the consent of the district attorney and the accused, may defer further proceedings and place the
27 person on probation. Upon violation of a term or condition of probation, the court may enter an
28 adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and condi-
29 tions, the court shall discharge the person and dismiss the proceedings against the person. Dis-
30 charge and dismissal under this section shall be without adjudication of guilt and is not a conviction
31 for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon
32 conviction of a crime. There may be only one discharge and dismissal under this section with re-
33 spect to any person.

34 **SECTION 4. The amendments to ORS 163.575, 163.580 and 475.245 by sections 1 to 3 of this**
35 **2013 Act apply to conduct occurring on or after the effective date of this 2013 Act.**

36 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
38 **on its passage.**