

**PROPOSED AMENDMENTS TO  
SENATE BILL 40**

1 On page 1 of the printed bill, line 3, after “161.705,” insert “166.291,  
2 342.143, 419C.239, 419C.420, 419C.443.”.

3 Delete lines 8 through 19 and insert:

4 **“SECTION 2.** ORS 475.864 is amended to read:

5 **“475.864. (1) As used in this section:**

6 **“(a) ‘Marijuana’ means the leaves, stems and flowers of the plant**  
7 **Cannabis family Moraceae.**

8 **“(b) ‘Marijuana product’ has the meaning given the term**  
9 **‘marijuana’ in ORS 475.005 (16), but does not include the leaves, stems**  
10 **and flowers of the plant Cannabis family Moraceae.**

11 **“[(1)] (2) It is unlawful for any person knowingly or intentionally to**  
12 **possess marijuana or marijuana product.**

13 **“[(2)] (3)(a) Unlawful possession of four avoirdupois ounces or more**  
14 **of marijuana is a Class [B] C felony.**

15 **“(b) Unlawful possession of one avoirdupois ounce of marijuana or**  
16 **more, but less than four avoirdupois ounces, is a Class B**  
17 **misdemeanor.**

18 **“(c) Unlawful possession of less than one avoirdupois ounce of**  
19 **marijuana is a Class B violation.**

20 *“[(3) Notwithstanding subsection (2) of this section, unlawful possession of*  
21 *marijuana is a violation if the amount possessed is less than one avoirdupois*  
22 *ounce of the dried leaves, stems and flowers of the plant Cannabis family*

1 *Moraceae. A violation under this subsection is a specific fine violation. The*  
2 *presumptive fine for a violation under this subsection is \$650.]*

3 “[(4) Notwithstanding subsections (2) and (3) of this section, unlawful pos-  
4 session of marijuana is a Class C misdemeanor if the amount possessed is less  
5 than one avoirdupois ounce of the dried leaves, stems and flowers of the plant  
6 *Cannabis* family *Moraceae* and the possession takes place in a public place,  
7 as defined in ORS 161.015, that is within 1,000 feet of the real property com-  
8 prising a public or private elementary, secondary or career school attended  
9 primarily by minors.]

10 “(4)(a) **Unlawful possession of one-quarter avoirdupois ounce or**  
11 **more of marijuana product is a Class C felony.**

12 “(b) **Unlawful possession of less than one-quarter avoirdupois ounce**  
13 **of marijuana product is a Class B misdemeanor.”.**

14 On page 3, after line 31, insert:

15 “**SECTION 6.** ORS 166.291 is amended to read:

16 “166.291. (1) The sheriff of a county, upon a person’s application for an  
17 Oregon concealed handgun license, upon receipt of the appropriate fees and  
18 after compliance with the procedures set out in this section, shall issue the  
19 person a concealed handgun license if the person:

20 “(a)(A) Is a citizen of the United States; or

21 “(B) Is a legal resident alien who can document continuous residency in  
22 the county for at least six months and has declared in writing to the United  
23 States Citizenship and Immigration Services the intent to acquire citizenship  
24 status and can present proof of the written declaration to the sheriff at the  
25 time of application for the license;

26 “(b) Is at least 21 years of age;

27 “(c) Is a resident of the county;

28 “(d) Has no outstanding warrants for arrest;

29 “(e) Is not free on any form of pretrial release;

30 “(f) Demonstrates competence with a handgun by any one of the follow-

1 ing:

2 “(A) Completion of any hunter education or hunter safety course approved  
3 by the State Department of Fish and Wildlife or a similar agency of another  
4 state if handgun safety was a component of the course;

5 “(B) Completion of any National Rifle Association firearms safety or  
6 training course if handgun safety was a component of the course;

7 “(C) Completion of any firearms safety or training course or class avail-  
8 able to the general public offered by law enforcement, community college,  
9 or private or public institution or organization or firearms training school  
10 utilizing instructors certified by the National Rifle Association or a law  
11 enforcement agency if handgun safety was a component of the course;

12 “(D) Completion of any law enforcement firearms safety or training  
13 course or class offered for security guards, investigators, reserve law  
14 enforcement officers or any other law enforcement officers if handgun safety  
15 was a component of the course;

16 “(E) Presents evidence of equivalent experience with a handgun through  
17 participation in organized shooting competition or military service;

18 “(F) Is licensed or has been licensed to carry a firearm in this state, un-  
19 less the license has been revoked; or

20 “(G) Completion of any firearms training or safety course or class con-  
21 ducted by a firearms instructor certified by a law enforcement agency or the  
22 National Rifle Association if handgun safety was a component of the course;

23 “(g) Has never been convicted of a felony or found guilty, except for in-  
24 sanity under ORS 161.295, of a felony;

25 “(h) Has not been convicted of a misdemeanor or found guilty, except for  
26 insanity under ORS 161.295, of a misdemeanor within the four years prior to  
27 the application;

28 “(i) Has not been committed to the Oregon Health Authority under ORS  
29 426.130;

30 “(j) Has not been found to be mentally ill and is not subject to an order

1 under ORS 426.130 that the person be prohibited from purchasing or pos-  
2 sessing a firearm as a result of that mental illness;

3 “(k) Has been discharged from the jurisdiction of the juvenile court for  
4 more than four years if, while a minor, the person was found to be within  
5 the jurisdiction of the juvenile court for having committed an act that, if  
6 committed by an adult, would constitute a felony or a misdemeanor involving  
7 violence, as defined in ORS 166.470;

8 “(L) Has not been convicted of an offense involving controlled substances  
9 or participated in a court-supervised drug diversion program, except this  
10 disability does not operate to exclude a person if:

11 “(A) The person has been convicted only once of violating ORS 475.864  
12 [(3)] **(3)(c)** and has not completed a court-supervised drug diversion program  
13 under ORS 135.907; or

14 “(B) The person has completed a court-supervised drug diversion program  
15 under ORS 135.907 and has not been convicted of violating ORS 475.864  
16 [(3)] **(3)(c)**;

17 “(m) Is not subject to a citation issued under ORS 163.735 or an order  
18 issued under ORS 30.866, 107.700 to 107.735 or 163.738;

19 “(n) Has not received a dishonorable discharge from the Armed Forces  
20 of the United States; and

21 “(o) Is not required to register as a sex offender in any state.

22 “(2) A person who has been granted relief under ORS 166.274 or 166.293  
23 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or has had  
24 the person’s record expunged under the laws of this state or equivalent laws  
25 of other jurisdictions is not subject to the disabilities in subsection (1)(g) to  
26 (L) of this section.

27 “(3) Before the sheriff may issue a license:

28 “(a) The application must state the applicant’s legal name, current ad-  
29 dress and telephone number, date and place of birth, hair and eye color and  
30 height and weight. The application must also list the applicant’s residence

1 address or addresses for the previous three years. The application must con-  
2 tain a statement by the applicant that the applicant meets the requirements  
3 of subsection (1) of this section. The application may include the Social Se-  
4 curity number of the applicant if the applicant voluntarily provides this  
5 number. The application must be signed by the applicant.

6 “(b) The applicant must submit to fingerprinting and photographing by  
7 the sheriff. The sheriff shall fingerprint and photograph the applicant and  
8 shall conduct any investigation necessary to corroborate the requirements  
9 listed under subsection (1) of this section. If a nationwide criminal records  
10 check is necessary, the sheriff shall request the Department of State Police  
11 to conduct the check, including fingerprint identification, through the Fed-  
12 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-  
13 turn the fingerprint cards used to conduct the criminal records check and  
14 may not keep any record of the fingerprints. The Department of State Police  
15 shall report the results of the fingerprint-based criminal records check to the  
16 sheriff. The Department of State Police shall also furnish the sheriff with  
17 any information about the applicant that the Department of State Police may  
18 have in its possession including, but not limited to, manual or computerized  
19 criminal offender information.

20 “(4) Application forms for concealed handgun licenses shall be supplied  
21 by the sheriff upon request. The forms shall be uniform throughout this state  
22 in substantially the following form:

23 “ \_\_\_\_\_  
24 APPLICATION FOR LICENSE TO CARRY  
25 CONCEALED HANDGUN  
26 Date\_\_\_\_\_

27 I hereby declare as follows:  
28 I am a citizen of the United States or a legal resident alien who can  
29 document continuous residency in the county for at least six months and  
30 have declared in writing to the United States Citizenship and Immigration

1 Services my intention to become a citizen and can present proof of the  
2 written declaration to the sheriff at the time of this application. I am at least  
3 21 years of age. I have been discharged from the jurisdiction of the juvenile  
4 court for more than four years if, while a minor, I was found to be within  
5 the jurisdiction of the juvenile court for having committed an act that, if  
6 committed by an adult, would constitute a felony or a misdemeanor involving  
7 violence, as defined in ORS 166.470. I have never been convicted of a felony  
8 or found guilty, except for insanity under ORS 161.295, of a felony in the  
9 State of Oregon or elsewhere. I have not, within the last four years, been  
10 convicted of a misdemeanor or found guilty, except for insanity under ORS  
11 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have  
12 not been convicted of an offense involving controlled substances or com-  
13 pleted a court-supervised drug diversion program. There are no outstanding  
14 warrants for my arrest and I am not free on any form of pretrial release. I  
15 have not been committed to the Oregon Health Authority under ORS 426.130,  
16 nor have I been found mentally ill and presently subject to an order pro-  
17 hibiting me from purchasing or possessing a firearm because of mental ill-  
18 ness. If any of the previous conditions do apply to me, I have been granted  
19 relief or wish to petition for relief from the disability under ORS 166.274 or  
20 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or  
21 have had the records expunged. I am not subject to a citation issued under  
22 ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or  
23 163.738. I have never received a dishonorable discharge from the Armed  
24 Forces of the United States. I am not required to register as a sex offender  
25 in any state. I understand I will be fingerprinted and photographed.

26

27 Legal name \_\_\_\_\_  
28 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
29 Place of birth \_\_\_\_\_  
30 Social Security number \_\_\_\_\_

1 (Disclosure of your Social Security account number is voluntary. Solicita-  
2 tion of the number is authorized under ORS 166.291. It will be used only as  
3 a means of identification.)

4  
5 Proof of identification (Two pieces of current identification are required, one  
6 of which must bear a photograph of the applicant. The type of identification  
7 and the number on the identification are to be filled in by the sheriff.):

8 1. \_\_\_\_\_

9 2. \_\_\_\_\_

10

11 Height \_\_\_\_\_ Weight \_\_\_\_\_

12 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

13

14 Current address \_\_\_\_\_

15

(List residence addresses for the  
past three years on the back.)

16

17

18 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

19 Phone \_\_\_\_\_

20

21 I have read the entire text of this application, and the statements therein  
22 are correct and true. (Making false statements on this application is a  
23 misdemeanor.)

24

\_\_\_\_\_  
(Signature of Applicant)

25

26

27 Character references.

28 \_\_\_\_\_

29 Name Address

30 \_\_\_\_\_

1           Name           Address

2

3 Approved \_\_\_\_ Disapproved \_\_\_\_ by \_\_\_\_

4

5 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

6 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

7 License No. \_\_\_\_\_

8 “ \_\_\_\_\_

9       “(5)(a) Fees for concealed handgun licenses are:

10       “(A) \$15 to the Department of State Police for conducting the fingerprint  
11 check of the applicant.

12       “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun  
13 license.

14       “(C) \$15 to the sheriff for the duplication of a license because of loss or  
15 change of address.

16       “(b) The sheriff may enter into an agreement with the Department of  
17 Transportation to produce the concealed handgun license.

18       “(6) No civil or criminal liability shall attach to the sheriff or any au-  
19 thorized representative engaged in the receipt and review of, or an investi-  
20 gation connected with, any application for, or in the issuance, denial or  
21 revocation of, any license under ORS 166.291 to 166.295 as a result of the  
22 lawful performance of duties under those sections.

23       “(7) Immediately upon acceptance of an application for a concealed  
24 handgun license, the sheriff shall enter the applicant’s name into the Law  
25 Enforcement Data System indicating that the person is an applicant for a  
26 concealed handgun license or is a license holder.

27       “(8) The county sheriff may waive the residency requirement in subsection  
28 (1)(c) of this section for a resident of a contiguous state who has a compel-  
29 ling business interest or other legitimate demonstrated need.

30       “(9) For purposes of subsection (1)(c) of this section, a person is a resident



1 of a county if the person:

2 “(a) Has a current Oregon driver license issued to the person showing a  
3 residence address in the county;

4 “(b) Is registered to vote in the county and has a memorandum card is-  
5 sued to the person under ORS 247.181 showing a residence address in the  
6 county;

7 “(c) Has documentation showing that the person currently leases or owns  
8 real property in the county; or

9 “(d) Has documentation showing that the person filed an Oregon tax re-  
10 turn for the most recent tax year showing a residence address in the county.

11 **“SECTION 7.** ORS 166.291, as amended by section 10, chapter 826, Oregon  
12 Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is amended to  
13 read:

14 “166.291. (1) The sheriff of a county, upon a person’s application for an  
15 Oregon concealed handgun license, upon receipt of the appropriate fees and  
16 after compliance with the procedures set out in this section, shall issue the  
17 person a concealed handgun license if the person:

18 “(a)(A) Is a citizen of the United States; or

19 “(B) Is a legal resident alien who can document continuous residency in  
20 the county for at least six months and has declared in writing to the United  
21 States Citizenship and Immigration Services the intent to acquire citizenship  
22 status and can present proof of the written declaration to the sheriff at the  
23 time of application for the license;

24 “(b) Is at least 21 years of age;

25 “(c) Is a resident of the county;

26 “(d) Has no outstanding warrants for arrest;

27 “(e) Is not free on any form of pretrial release;

28 “(f) Demonstrates competence with a handgun by any one of the follow-  
29 ing:

30 “(A) Completion of any hunter education or hunter safety course approved

1 by the State Department of Fish and Wildlife or a similar agency of another  
2 state if handgun safety was a component of the course;

3 “(B) Completion of any National Rifle Association firearms safety or  
4 training course if handgun safety was a component of the course;

5 “(C) Completion of any firearms safety or training course or class avail-  
6 able to the general public offered by law enforcement, community college,  
7 or private or public institution or organization or firearms training school  
8 utilizing instructors certified by the National Rifle Association or a law  
9 enforcement agency if handgun safety was a component of the course;

10 “(D) Completion of any law enforcement firearms safety or training  
11 course or class offered for security guards, investigators, reserve law  
12 enforcement officers or any other law enforcement officers if handgun safety  
13 was a component of the course;

14 “(E) Presents evidence of equivalent experience with a handgun through  
15 participation in organized shooting competition or military service;

16 “(F) Is licensed or has been licensed to carry a firearm in this state, un-  
17 less the license has been revoked; or

18 “(G) Completion of any firearms training or safety course or class con-  
19 ducted by a firearms instructor certified by a law enforcement agency or the  
20 National Rifle Association if handgun safety was a component of the course;

21 “(g) Has never been convicted of a felony or found guilty, except for in-  
22 sanity under ORS 161.295, of a felony;

23 “(h) Has not been convicted of a misdemeanor or found guilty, except for  
24 insanity under ORS 161.295, of a misdemeanor within the four years prior to  
25 the application;

26 “(i) Has not been committed to the Oregon Health Authority under ORS  
27 426.130;

28 “(j) Has not been found to be mentally ill and is not subject to an order  
29 under ORS 426.130 that the person be prohibited from purchasing or pos-  
30 sessed a firearm as a result of that mental illness;

1 “(k) Has been discharged from the jurisdiction of the juvenile court for  
2 more than four years if, while a minor, the person was found to be within  
3 the jurisdiction of the juvenile court for having committed an act that, if  
4 committed by an adult, would constitute a felony or a misdemeanor involving  
5 violence, as defined in ORS 166.470;

6 “(L) Has not been convicted of an offense involving controlled substances  
7 or participated in a court-supervised drug diversion program, except this  
8 disability does not operate to exclude a person if:

9 “(A) The person has been convicted only once of violating ORS 475.864  
10 [(3)] **(3)(c)** and has not completed a court-supervised drug diversion program  
11 under ORS 135.907; or

12 “(B) The person has completed a court-supervised drug diversion program  
13 under ORS 135.907 and has not been convicted of violating ORS 475.864  
14 [(3)] **(3)(c)**;

15 “(m) Is not subject to a citation issued under ORS 163.735 or an order  
16 issued under ORS 30.866, 107.700 to 107.735 or 163.738;

17 “(n) Has not received a dishonorable discharge from the Armed Forces  
18 of the United States; and

19 “(o) Is not required to register as a sex offender in any state.

20 “(2) A person who has been granted relief under ORS 166.274 or 166.293  
21 or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws  
22 of this state or equivalent laws of other jurisdictions is not subject to the  
23 disabilities in subsection (1)(g) to (L) of this section.

24 “(3) Before the sheriff may issue a license:

25 “(a) The application must state the applicant’s legal name, current ad-  
26 dress and telephone number, date and place of birth, hair and eye color and  
27 height and weight. The application must also list the applicant’s residence  
28 address or addresses for the previous three years. The application must con-  
29 tain a statement by the applicant that the applicant meets the requirements  
30 of subsection (1) of this section. The application may include the Social Se-

1 curity number of the applicant if the applicant voluntarily provides this  
2 number. The application must be signed by the applicant.

3 “(b) The applicant must submit to fingerprinting and photographing by  
4 the sheriff. The sheriff shall fingerprint and photograph the applicant and  
5 shall conduct any investigation necessary to corroborate the requirements  
6 listed under subsection (1) of this section. If a nationwide criminal records  
7 check is necessary, the sheriff shall request the Department of State Police  
8 to conduct the check, including fingerprint identification, through the Fed-  
9 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-  
10 turn the fingerprint cards used to conduct the criminal records check and  
11 may not keep any record of the fingerprints. The Department of State Police  
12 shall report the results of the fingerprint-based criminal records check to the  
13 sheriff. The Department of State Police shall also furnish the sheriff with  
14 any information about the applicant that the Department of State Police may  
15 have in its possession including, but not limited to, manual or computerized  
16 criminal offender information.

17 “(4) Application forms for concealed handgun licenses shall be supplied  
18 by the sheriff upon request. The forms shall be uniform throughout this state  
19 in substantially the following form:

20 “ \_\_\_\_\_  
21 APPLICATION FOR LICENSE TO CARRY  
22 CONCEALED HANDGUN  
23 Date\_\_\_\_\_

24 I hereby declare as follows:

25 I am a citizen of the United States or a legal resident alien who can  
26 document continuous residency in the county for at least six months and  
27 have declared in writing to the United States Citizenship and Immigration  
28 Services my intention to become a citizen and can present proof of the  
29 written declaration to the sheriff at the time of this application. I am at least  
30 21 years of age. I have been discharged from the jurisdiction of the juvenile

1 court for more than four years if, while a minor, I was found to be within  
2 the jurisdiction of the juvenile court for having committed an act that, if  
3 committed by an adult, would constitute a felony or a misdemeanor involving  
4 violence, as defined in ORS 166.470. I have never been convicted of a felony  
5 or found guilty, except for insanity under ORS 161.295, of a felony in the  
6 State of Oregon or elsewhere. I have not, within the last four years, been  
7 convicted of a misdemeanor or found guilty, except for insanity under ORS  
8 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have  
9 not been convicted of an offense involving controlled substances or com-  
10 pleted a court-supervised drug diversion program. There are no outstanding  
11 warrants for my arrest and I am not free on any form of pretrial release. I  
12 have not been committed to the Oregon Health Authority under ORS 426.130,  
13 nor have I been found mentally ill and presently subject to an order pro-  
14 hibiting me from purchasing or possessing a firearm because of mental ill-  
15 ness. If any of the previous conditions do apply to me, I have been granted  
16 relief or wish to petition for relief from the disability under ORS 166.274 or  
17 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not sub-  
18 ject to a citation issued under ORS 163.735 or an order issued under ORS  
19 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable  
20 discharge from the Armed Forces of the United States. I am not required  
21 to register as a sex offender in any state. I understand I will be fingerprinted  
22 and photographed.

23

24 Legal name \_\_\_\_\_

25 Age \_\_\_\_\_ Date of birth \_\_\_\_\_

26 Place of birth \_\_\_\_\_

27 Social Security number \_\_\_\_\_

28 (Disclosure of your Social Security account number is voluntary. Solicita-  
29 tion of the number is authorized under ORS 166.291. It will be used only as  
30 a means of identification.)

1 Proof of identification (Two pieces of current identification are required, one  
2 of which must bear a photograph of the applicant. The type of identification  
3 and the number on the identification are to be filled in by the sheriff.):

4 1. \_\_\_\_\_

5 2. \_\_\_\_\_

6

7 Height \_\_\_\_\_ Weight \_\_\_\_\_

8 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

9

10 Current address \_\_\_\_\_

11

(List residence addresses for the  
past three years on the back.)

12

13

14 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

15 Phone \_\_\_\_\_

16

17 I have read the entire text of this application, and the statements therein  
18 are correct and true. (Making false statements on this application is a  
19 misdemeanor.)

20

\_\_\_\_\_

21

(Signature of Applicant)

22

23 Character references.

24

\_\_\_\_\_

25

Name: Address

26

\_\_\_\_\_

27

Name: Address

28

29 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

30

1 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

2 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

3 License No. \_\_\_\_\_

4 “ \_\_\_\_\_

5 “(5)(a) Fees for concealed handgun licenses are:

6 “(A) \$15 to the Department of State Police for conducting the fingerprint  
7 check of the applicant.

8 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun  
9 license.

10 “(C) \$15 to the sheriff for the duplication of a license because of loss or  
11 change of address.

12 “(b) The sheriff may enter into an agreement with the Department of  
13 Transportation to produce the concealed handgun license.

14 “(6) No civil or criminal liability shall attach to the sheriff or any au-  
15 thorized representative engaged in the receipt and review of, or an investi-  
16 gation connected with, any application for, or in the issuance, denial or  
17 revocation of, any license under ORS 166.291 to 166.295 as a result of the  
18 lawful performance of duties under those sections.

19 “(7) Immediately upon acceptance of an application for a concealed  
20 handgun license, the sheriff shall enter the applicant’s name into the Law  
21 Enforcement Data System indicating that the person is an applicant for a  
22 concealed handgun license or is a license holder.

23 “(8) The county sheriff may waive the residency requirement in subsection  
24 (1)(c) of this section for a resident of a contiguous state who has a compel-  
25 ling business interest or other legitimate demonstrated need.

26 “(9) For purposes of subsection (1)(c) of this section, a person is a resident  
27 of a county if the person:

28 “(a) Has a current Oregon driver license issued to the person showing a  
29 residence address in the county;

30 “(b) Is registered to vote in the county and has a memorandum card is-

1 sued to the person under ORS 247.181 showing a residence address in the  
2 county;

3 “(c) Has documentation showing that the person currently leases or owns  
4 real property in the county; or

5 “(d) Has documentation showing that the person filed an Oregon tax re-  
6 turn for the most recent tax year showing a residence address in the county.

7 **“SECTION 8.** ORS 419C.239 is amended to read:

8 “419C.239. (1) A formal accountability agreement shall:

9 “(a) Be completed within a period of time not to exceed one year;

10 “(b) Be voluntarily entered into by all parties;

11 “(c) Be revocable by the youth at any time by a written revocation;

12 “(d) Be revocable by the juvenile department in the event the department  
13 has reasonable cause to believe the youth has failed to carry out the terms  
14 of the formal accountability agreement or has committed a subsequent of-  
15 fense;

16 “(e) Not be used as evidence against the youth at any adjudicatory hear-  
17 ing;

18 “(f) Be executed in writing and expressed in language understandable to  
19 the persons involved;

20 “(g) Be signed by the juvenile department, the youth, the youth’s parent  
21 or parents or legal guardian, and the youth’s counsel, if any;

22 “(h) Become part of the youth’s juvenile department record; and

23 “(i) When the youth has been charged with having committed the youth’s  
24 first violation of a provision under ORS 475.860 (3)(b) or 475.864 [(3)] **(3)(c)**  
25 and unless the juvenile department determines that it would be inappropriate  
26 in the particular case:

27 “(A) Require the youth to participate in a diagnostic assessment and an  
28 information or treatment program as recommended by the assessment. The  
29 agencies or organizations providing assessment or programs of information  
30 or treatment must be the same as those designated by the court under ORS



1 419C.443 (1) and must meet the standards set by the Director of the Oregon  
2 Health Authority. The parent of the youth shall pay the cost of the youth's  
3 participation in the program based upon the ability of the parent to pay.

4 "(B) Monitor the youth's progress in the program which shall be the re-  
5 sponsibility of the diagnostic assessment agency or organization. It shall  
6 make a report to the juvenile department stating the youth's successful  
7 completion or failure to complete all or any part of the program specified  
8 by the diagnostic assessment. The form of the report shall be determined by  
9 agreement between the juvenile department and the diagnostic assessment  
10 agency or organization. The juvenile department shall make the report a part  
11 of the record of the case.

12 "(2) Notwithstanding any other provision of law, the following informa-  
13 tion contained in a formal accountability agreement under ORS 419C.230 is  
14 not confidential and is not exempt from disclosure:

15 "(a) The name and date of birth of the youth;

16 "(b) The act alleged; and

17 "(c) The portion of the agreement providing for the disposition of the  
18 youth.

19 "**SECTION 9.** ORS 419C.420 is amended to read:

20 "419C.420. If a youth is cited or summoned for a violation under ORS  
21 471.430, 475.860 (3) or 475.864 [(3)] **(3)(c)** and fails to appear, the court may  
22 adjudicate the citation or petition and enter a disposition without a hearing.

23 "**SECTION 10.** ORS 419C.443 is amended to read:

24 "419C.443. (1) Except when otherwise provided in subsection (3) of this  
25 section, when a youth offender has been found to be within the jurisdiction  
26 of the court under ORS 419C.005 for a first violation of the provisions under  
27 ORS 475.860 (3)(b) or 475.864 [(3)] **(3)(c)**, the court shall order an evaluation  
28 and designate agencies or organizations to perform diagnostic assessment  
29 and provide programs of information and treatment. The designated agencies  
30 or organizations must meet the standards set by the Director of the Oregon

1 Health Authority. Whenever possible, the court shall designate agencies or  
2 organizations to perform the diagnostic assessment that are separate from  
3 those that may be designated to carry out a program of information or  
4 treatment. The parent of the youth offender shall pay the cost of the youth  
5 offender's participation in the program based upon the ability of the parent  
6 to pay. The petition shall be dismissed by the court upon written certifi-  
7 cation of the youth offender's successful completion of the program from the  
8 designated agency or organization providing the information and treatment.

9       “(2) Monitoring the youth offender's progress in the program shall be the  
10 responsibility of the diagnostic assessment agency or organization. The  
11 agency or organization shall make a report to the court stating the youth  
12 offender's successful completion or failure to complete all or any part of the  
13 program specified by the diagnostic assessment. The form of the report shall  
14 be determined by agreement between the court and the diagnostic assessment  
15 agency or organization. The court shall make the report a part of the record  
16 of the case.

17       “(3) The court is not required to make the disposition required by sub-  
18 section (1) of this section if the court determines that the disposition is in-  
19 appropriate in the case or if the court finds that the youth offender has  
20 previously entered into a formal accountability agreement under ORS  
21 419C.239 (1)(i).

22       “**SECTION 11.** ORS 342.143 is amended to read:

23       “342.143. (1) No teaching, personnel service or administrative license may  
24 be issued to any person until the person has attained the age of 18 years and  
25 has furnished satisfactory evidence of proper educational training.

26       “(2) The Teacher Standards and Practices Commission may require an  
27 applicant for a teaching, personnel service or administrative license or for  
28 registration as a public charter school teacher or administrator to furnish  
29 evidence satisfactory to the commission of good moral character, mental and  
30 physical health, and such other evidence as it may deem necessary to estab-

1 lish the applicant's fitness to serve as a teacher or administrator.

2 “(3) Without limiting the powers of the Teacher Standards and Practices  
3 Commission under subsection (2) of this section:

4 “(a) No teaching, personnel service or administrative license or registra-  
5 tion as a public charter school teacher or administrator may be issued to any  
6 person who:

7 “(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185,  
8 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411,  
9 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465, 163.515,  
10 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680  
11 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,  
12 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075,  
13 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822, 475.828,  
14 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, [475.864 (4),] 475.868,  
15 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

16 “(B) Has been convicted under ORS 161.405 of an attempt to commit any  
17 of the crimes listed in subparagraph (A) of this paragraph.

18 “(C) Has been convicted in another jurisdiction of a crime that is sub-  
19 stantially equivalent, as defined by rule, to any of the crimes listed in sub-  
20 paragraphs (A) and (B) of this paragraph.

21 “(D) Has had a teaching, personnel service or administrative license or  
22 registration revoked in another jurisdiction for a reason that is substantially  
23 equivalent, as defined by rule, to a reason described in ORS 342.175 and the  
24 revocation is not subject to further appeal. A person whose privilege to apply  
25 for a license or registration is denied under this subparagraph may apply for  
26 reinstatement of the privilege as provided in ORS 342.175 (4).

27 “(b) The Teacher Standards and Practices Commission may refuse to issue  
28 a license or registration to any person who has been convicted of a crime  
29 involving the illegal use, sale or possession of controlled substances.

30 “(4) In denying the issuance of a license or registration under this sec-

1 tion, the commission shall follow the procedure set forth in ORS 342.176 and  
2 342.177.

3 “(5) The Department of Education shall provide school districts and pub-  
4 lic charter schools a copy of the list contained in subsection (3) of this sec-  
5 tion.”.

6 In line 32, delete “6” and insert “12”.

7 In line 34, delete “7” and insert “13”.

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