

**PROPOSED AMENDMENTS TO
SENATE BILL 40**

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

3 Delete lines 8 through 19 and insert:

4 **“SECTION 1.** ORS 475.864 is amended to read:

5 **“475.864. (1) As used in this section, ‘marijuana’ means the dried**
6 **leaves, stems and flowers of the plant Cannabis family Moraceae.**

7 **“(2) It is unlawful for any person knowingly or intentionally to possess**
8 **marijuana.**

9 **“[(2)] (3)(a) Unlawful possession of 16 avoirdupois ounces or more of**
10 **marijuana is a Class B felony.**

11 **“(b) Unlawful possession of eight avoirdupois ounces of marijuana**
12 **or more, but less than 16 avoirdupois ounces, is a Class C felony.**

13 **“(c) Unlawful possession of four avoirdupois ounces of marijuana**
14 **or more, but less than eight avoirdupois ounces, is a Class A**
15 **misdemeanor.**

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

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

21 *“[(3) Notwithstanding subsection (2) of this section, unlawful possession of*
22 *marijuana is a violation if the amount possessed is less than one avoirdupois*

1 ounce of the dried leaves, stems and flowers of the plant Cannabis family
2 Moraceae. A violation under this subsection is a specific fine violation. The
3 presumptive fine for a violation under this subsection is \$650.]

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

11 On page 3, after line 31, insert:

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

13 “166.291. (1) The sheriff of a county, upon a person’s application for an
14 Oregon concealed handgun license, upon receipt of the appropriate fees and
15 after compliance with the procedures set out in this section, shall issue the
16 person a concealed handgun license if the person:

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

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

23 “(b) Is at least 21 years of age;

24 “(c) Is a resident of the county;

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

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

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

29 “(A) Completion of any hunter education or hunter safety course approved
30 by the State Department of Fish and Wildlife or a similar agency of another

1 state if handgun safety was a component of the course;

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

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

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

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

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

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

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

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

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

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

30 “(k) Has been discharged from the jurisdiction of the juvenile court for

1 more than four years if, while a minor, the person 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;

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

8 “(A) The person has been convicted only once of violating ORS 475.864
9 (3)(e) and has not completed a court-supervised drug diversion program un-
10 der ORS 135.907; or

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

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

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

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

19 “(2) A person who has been granted relief under ORS 166.274 or 166.293
20 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or has had
21 the person’s record expunged under the laws of this state or equivalent laws
22 of other jurisdictions is not subject to the disabilities in subsection (1)(g) to
23 (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 section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or
18 have had the records expunged. I am not subject to a citation issued under
19 ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or
20 163.738. I have never received a dishonorable discharge from the Armed
21 Forces of the United States. I am not required to register as a sex offender
22 in any state. I understand I will be fingerprinted 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 7.** ORS 166.291, as amended by section 10, chapter 826, Oregon
8 Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is amended to
9 read:

10 “166.291. (1) The sheriff of a county, upon a person’s application for an
11 Oregon concealed handgun license, upon receipt of the appropriate fees and
12 after compliance with the procedures set out in this section, shall issue the
13 person a concealed handgun license if the person:

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

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

20 “(b) Is at least 21 years of age;

21 “(c) Is a resident of the county;

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

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

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

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

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

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

6 “(D) Completion of any law enforcement firearms safety or training
7 course or class offered for security guards, investigators, reserve law
8 enforcement officers or any other law enforcement officers if handgun safety
9 was a component of the course;

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

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

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

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

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

22 “(i) Has not been committed to the Oregon Health Authority under ORS
23 426.130;

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

27 “(k) Has been discharged from the jurisdiction of the juvenile court for
28 more than four years if, while a minor, the person was found to be within
29 the jurisdiction of the juvenile court for having committed an act that, if
30 committed by an adult, would constitute a felony or a misdemeanor involving

1 violence, as defined in ORS 166.470;

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

5 “(A) The person has been convicted only once of violating ORS 475.864
6 (3)(e) and has not completed a court-supervised drug diversion program un-
7 der ORS 135.907; or

8 “(B) The person has completed a court-supervised drug diversion program
9 under ORS 135.907 and has not been convicted of violating ORS 475.864
10 (3)(e);

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

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

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

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

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

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

29 “(b) The applicant must submit to fingerprinting and photographing by
30 the sheriff. The sheriff shall fingerprint and photograph the applicant and

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

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

16 “ _____
17 APPLICATION FOR LICENSE TO CARRY
18 CONCEALED HANDGUN
19 Date_____

20 I hereby declare as follows:

21 I am a citizen of the United States or a legal resident alien who can
22 document continuous residency in the county for at least six months and
23 have declared in writing to the United States Citizenship and Immigration
24 Services my intention to become a citizen and can present proof of the
25 written declaration to the sheriff at the time of this application. I am at least
26 21 years of age. I have been discharged from the jurisdiction of the juvenile
27 court for more than four years if, while a minor, I was found to be within
28 the jurisdiction of the juvenile court for having committed an act that, if
29 committed by an adult, would constitute a felony or a misdemeanor involving
30 violence, as defined in ORS 166.470. I have never been convicted of a felony

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

19

20 Legal name _____

21 Age _____ Date of birth _____

22 Place of birth _____

23 Social Security number _____

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

27

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

1 1. _____

2 2. _____

3

4 Height _____ Weight _____

5 Hair color _____ Eye color _____

6

7 Current address _____

8

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

9

10

11 City _____ County _____ Zip _____

12 Phone _____

13

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

17

18

(Signature of Applicant)

19

20 Character references.

21 _____

22 Name: Address

23 _____

24 Name: Address

25

26 Approved _____ Disapproved _____ by _____

27

28 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

29 Date _____ Fee Paid _____

30 License No. _____

1 “ _____
2 “(5)(a) Fees for concealed handgun licenses are:
3 “(A) \$15 to the Department of State Police for conducting the fingerprint
4 check of the applicant.
5 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun
6 license.
7 “(C) \$15 to the sheriff for the duplication of a license because of loss or
8 change of address.
9 “(b) The sheriff may enter into an agreement with the Department of
10 Transportation to produce the concealed handgun license.
11 “(6) No civil or criminal liability shall attach to the sheriff or any au-
12 thorized representative engaged in the receipt and review of, or an investi-
13 gation connected with, any application for, or in the issuance, denial or
14 revocation of, any license under ORS 166.291 to 166.295 as a result of the
15 lawful performance of duties under those sections.
16 “(7) Immediately upon acceptance of an application for a concealed
17 handgun license, the sheriff shall enter the applicant’s name into the Law
18 Enforcement Data System indicating that the person is an applicant for a
19 concealed handgun license or is a license holder.
20 “(8) The county sheriff may waive the residency requirement in subsection
21 (1)(c) of this section for a resident of a contiguous state who has a compel-
22 ling business interest or other legitimate demonstrated need.
23 “(9) For purposes of subsection (1)(c) of this section, a person is a resident
24 of a county if the person:
25 “(a) Has a current Oregon driver license issued to the person showing a
26 residence address in the county;
27 “(b) Is registered to vote in the county and has a memorandum card is-
28 sued to the person under ORS 247.181 showing a residence address in the
29 county;
30 “(c) Has documentation showing that the person currently leases or owns

1 real property in the county; or

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

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

5 “419C.239. (1) A formal accountability agreement shall:

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

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

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

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

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

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

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

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

20 “(i) When the youth has been charged with having committed the youth’s
21 first violation of a provision under ORS 475.860 (3)(b) or 475.864 (3)(e) and
22 unless the juvenile department determines that it would be inappropriate in
23 the particular case:

24 “(A) Require the youth to participate in a diagnostic assessment and an
25 information or treatment program as recommended by the assessment. The
26 agencies or organizations providing assessment or programs of information
27 or treatment must be the same as those designated by the court under ORS
28 419C.443 (1) and must meet the standards set by the Director of the Oregon
29 Health Authority. The parent of the youth shall pay the cost of the youth’s
30 participation in the program based upon the ability of the parent to pay.

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

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

12 “(a) The name and date of birth of the youth;

13 “(b) The act alleged; and

14 “(c) The portion of the agreement providing for the disposition of the
15 youth.

16 **“SECTION 9.** ORS 419C.420 is amended to read:

17 “419C.420. If a youth is cited or summoned for a violation under ORS
18 471.430, 475.860 (3) or 475.864 (3)(e) and fails to appear, the court may adju-
19 dicate the citation or petition and enter a disposition without a hearing.

20 **“SECTION 10.** ORS 419C.443 is amended to read:

21 “419C.443. (1) Except when otherwise provided in subsection (3) of this
22 section, when a youth offender has been found to be within the jurisdiction
23 of the court under ORS 419C.005 for a first violation of the provisions under
24 ORS 475.860 (3)(b) or 475.864 (3)(e), the court shall order an evaluation and
25 designate agencies or organizations to perform diagnostic assessment and
26 provide programs of information and treatment. The designated agencies or
27 organizations must meet the standards set by the Director of the Oregon
28 Health Authority. Whenever possible, the court shall designate agencies or
29 organizations to perform the diagnostic assessment that are separate from
30 those that may be designated to carry out a program of information or

1 treatment. The parent of the youth offender shall pay the cost of the youth
2 offender's participation in the program based upon the ability of the parent
3 to pay. The petition shall be dismissed by the court upon written certifi-
4 cation of the youth offender's successful completion of the program from the
5 designated agency or organization providing the information and treatment.

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

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

19 In line 32, delete “6” and insert “11”.

20 In line 34, delete “7” and insert “12”.

21
