

**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 2.** 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 four avoirdupois ounces or more**
10 **of marijuana is a Class [B] C felony.**

11 **“(b) Unlawful possession of one avoirdupois ounce of marijuana or**
12 **more, but less than four avoirdupois ounces, is a Class A**
13 **misdemeanor.**

14 **“(c) Unlawful possession of less than one avoirdupois ounce of**
15 **marijuana is a Class A violation.**

16 *“[(3) Notwithstanding subsection (2) of this section, unlawful possession of*
17 *marijuana is a violation if the amount possessed is less than one avoirdupois*
18 *ounce of the dried leaves, stems and flowers of the plant Cannabis family*
19 *Moraceae. A violation under this subsection is a specific fine violation. The*
20 *presumptive fine for a violation under this subsection is \$650.]*

21 **“(4) Notwithstanding [subsections (2) and] subsection (3) of this section,**
22 **unlawful possession of marijuana is a Class C misdemeanor if the amount**

1 possessed is less than one avoirdupois ounce of [*the dried leaves, stems and*
2 *flowers of the plant Cannabis family Moraceae*] **marijuana** and the possession
3 takes place in a public place, as defined in ORS 161.015, that is within 1,000
4 feet of the real property comprising a public or private elementary, second-
5 ary or career school attended primarily by minors.”.

6 On page 3, after line 31, insert:

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

8 “166.291. (1) The sheriff of a county, upon a person’s application for an
9 Oregon concealed handgun license, upon receipt of the appropriate fees and
10 after compliance with the procedures set out in this section, shall issue the
11 person a concealed handgun license if the person:

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

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

18 “(b) Is at least 21 years of age;

19 “(c) Is a resident of the county;

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

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

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

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

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

29 “(C) Completion of any firearms safety or training course or class avail-
30 able to the general public offered by law enforcement, community college,

1 or private or public institution or organization or firearms training school
2 utilizing instructors certified by the National Rifle Association or a law
3 enforcement agency if handgun safety was a component of the course;

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

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

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

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

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

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

20 “(i) Has not been committed to the Oregon Health Authority under ORS
21 426.130;

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

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

30 “(L) Has not been convicted of an offense involving controlled substances

1 or participated in a court-supervised drug diversion program, except this
2 disability does not operate to exclude a person if:

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

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

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

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

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

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

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

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

28 “(b) The applicant must submit to fingerprinting and photographing by
29 the sheriff. The sheriff shall fingerprint and photograph the applicant and
30 shall conduct any investigation necessary to corroborate the requirements

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

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

15 “ _____

16 APPLICATION FOR LICENSE TO CARRY
17 CONCEALED HANDGUN

18 Date_____

19 I hereby declare as follows:

20 I am a citizen of the United States or a legal resident alien who can
21 document continuous residency in the county for at least six months and
22 have declared in writing to the United States Citizenship and Immigration
23 Services my intention to become a citizen and can present proof of the
24 written declaration to the sheriff at the time of this application. I am at least
25 21 years of age. I have been discharged from the jurisdiction of the juvenile
26 court for more than four years if, while a minor, I was found to be within
27 the jurisdiction of the juvenile court for having committed an act that, if
28 committed by an adult, would constitute a felony or a misdemeanor involving
29 violence, as defined in ORS 166.470. I have never been convicted of a felony
30 or found guilty, except for insanity under ORS 161.295, of a felony in the

1 State of Oregon or elsewhere. I have not, within the last four years, been
2 convicted of a misdemeanor or found guilty, except for insanity under ORS
3 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
4 not been convicted of an offense involving controlled substances or com-
5 pleted a court-supervised drug diversion program. There are no outstanding
6 warrants for my arrest and I am not free on any form of pretrial release. I
7 have not been committed to the Oregon Health Authority under ORS 426.130,
8 nor have I been found mentally ill and presently subject to an order pro-
9 hibiting me from purchasing or possessing a firearm because of mental ill-
10 ness. If any of the previous conditions do apply to me, I have been granted
11 relief or wish to petition for relief from the disability under ORS 166.274 or
12 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or
13 have had the records expunged. I am not subject to a citation issued under
14 ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or
15 163.738. I have never received a dishonorable discharge from the Armed
16 Forces of the United States. I am not required to register as a sex offender
17 in any state. I understand I will be fingerprinted and photographed.

18

19 Legal name _____
20 Age _____ Date of birth _____
21 Place of birth _____
22 Social Security number _____

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

26

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

30 1. _____

1 2. _____

2

3 Height _____ Weight _____

4 Hair color _____ Eye color _____

5

6 Current address _____

7

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

8

9

10 City _____ County _____ Zip _____

11 Phone _____

12

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

16

17

(Signature of Applicant)

18

19 Character references.

20

21

Name Address

22

23

Name Address

24

25 Approved _____ Disapproved _____ by _____

26

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

28

Date _____ Fee Paid _____

29

License No. _____

30

“ _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “166.291. (1) The sheriff of a county, upon a person’s application for an
7 Oregon concealed handgun license, upon receipt of the appropriate fees and
8 after compliance with the procedures set out in this section, shall issue the
9 person a concealed handgun license if the person:

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

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

16 “(b) Is at least 21 years of age;

17 “(c) Is a resident of the county;

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

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

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

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

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

27 “(C) Completion of any firearms safety or training course or class avail-
28 able to the general public offered by law enforcement, community college,
29 or private or public institution or organization or firearms training school
30 utilizing instructors certified by the National Rifle Association or a law

1 enforcement agency if handgun safety was a component of the course;

2 “(D) Completion of any law enforcement firearms safety or training
3 course or class offered for security guards, investigators, reserve law
4 enforcement officers or any other law enforcement officers if handgun safety
5 was a component of the course;

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

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

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

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

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

18 “(i) Has not been committed to the Oregon Health Authority under ORS
19 426.130;

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

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

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

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

4 “(B) The person has completed a court-supervised drug diversion program
5 under ORS 135.907 and has not been convicted of violating ORS 475.864
6 (3)(c);

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

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

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

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

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

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

25 “(b) The applicant must submit to fingerprinting and photographing by
26 the sheriff. The sheriff shall fingerprint and photograph the applicant and
27 shall conduct any investigation necessary to corroborate the requirements
28 listed under subsection (1) of this section. If a nationwide criminal records
29 check is necessary, the sheriff shall request the Department of State Police
30 to conduct the check, including fingerprint identification, through the Fed-

1 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
2 turn the fingerprint cards used to conduct the criminal records check and
3 may not keep any record of the fingerprints. The Department of State Police
4 shall report the results of the fingerprint-based criminal records check to the
5 sheriff. The Department of State Police shall also furnish the sheriff with
6 any information about the applicant that the Department of State Police may
7 have in its possession including, but not limited to, manual or computerized
8 criminal offender information.

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

12 “ _____

13 APPLICATION FOR LICENSE TO CARRY
14 CONCEALED HANDGUN

15 Date_____

16 I hereby declare as follows:

17 I am a citizen of the United States or a legal resident alien who can
18 document continuous residency in the county for at least six months and
19 have declared in writing to the United States Citizenship and Immigration
20 Services my intention to become a citizen and can present proof of the
21 written declaration to the sheriff at the time of this application. I am at least
22 21 years of age. I have been discharged from the jurisdiction of the juvenile
23 court for more than four years if, while a minor, I was found to be within
24 the jurisdiction of the juvenile court for having committed an act that, if
25 committed by an adult, would constitute a felony or a misdemeanor involving
26 violence, as defined in ORS 166.470. I have never been convicted of a felony
27 or found guilty, except for insanity under ORS 161.295, of a felony in the
28 State of Oregon or elsewhere. I have not, within the last four years, been
29 convicted of a misdemeanor or found guilty, except for insanity under ORS
30 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have

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

15

16 Legal name _____
17 Age _____ Date of birth _____
18 Place of birth _____
19 Social Security number _____

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

23

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

27 1. _____
28 2. _____

29

30 Height _____ Weight _____

1 Hair color _____ Eye color _____

2

3 Current address _____

4

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

5

6

7 City _____ County _____ Zip _____

8 Phone _____

9

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

13

14

(Signature of Applicant)

15

16 Character references.

17

18

Name: Address

19

20

Name: Address

21

22 Approved _____ Disapproved _____ by _____

23

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

25

Date _____ Fee Paid _____

26

License No. _____

27

“ _____

28

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “419C.239. (1) A formal accountability agreement shall:
2 “(a) Be completed within a period of time not to exceed one year;
3 “(b) Be voluntarily entered into by all parties;
4 “(c) Be revocable by the youth at any time by a written revocation;
5 “(d) Be revocable by the juvenile department in the event the department
6 has reasonable cause to believe the youth has failed to carry out the terms
7 of the formal accountability agreement or has committed a subsequent of-
8 fense;
9 “(e) Not be used as evidence against the youth at any adjudicatory hear-
10 ing;
11 “(f) Be executed in writing and expressed in language understandable to
12 the persons involved;
13 “(g) Be signed by the juvenile department, the youth, the youth’s parent
14 or parents or legal guardian, and the youth’s counsel, if any;
15 “(h) Become part of the youth’s juvenile department record; and
16 “(i) When the youth has been charged with having committed the youth’s
17 first violation of a provision under ORS 475.860 (3)(b) or 475.864 (3)(c) and
18 unless the juvenile department determines that it would be inappropriate in
19 the particular case:
20 “(A) Require the youth to participate in a diagnostic assessment and an
21 information or treatment program as recommended by the assessment. The
22 agencies or organizations providing assessment or programs of information
23 or treatment must be the same as those designated by the court under ORS
24 419C.443 (1) and must meet the standards set by the Director of the Oregon
25 Health Authority. The parent of the youth shall pay the cost of the youth’s
26 participation in the program based upon the ability of the parent to pay.
27 “(B) Monitor the youth’s progress in the program which shall be the re-
28 sponsibility of the diagnostic assessment agency or organization. It shall
29 make a report to the juvenile department stating the youth’s successful
30 completion or failure to complete all or any part of the program specified

1 by the diagnostic assessment. The form of the report shall be determined by
2 agreement between the juvenile department and the diagnostic assessment
3 agency or organization. The juvenile department shall make the report a part
4 of the record of the case.

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

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

9 “(b) The act alleged; and

10 “(c) The portion of the agreement providing for the disposition of the
11 youth.

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

13 “419C.420. If a youth is cited or summoned for a violation under ORS
14 471.430, 475.860 (3) or 475.864 (3)(c) and fails to appear, the court may adju-
15 dicate the citation or petition and enter a disposition without a hearing.

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

17 “419C.443. (1) Except when otherwise provided in subsection (3) of this
18 section, when a youth offender has been found to be within the jurisdiction
19 of the court under ORS 419C.005 for a first violation of the provisions under
20 ORS 475.860 (3)(b) or 475.864 (3)(c), the court shall order an evaluation and
21 designate agencies or organizations to perform diagnostic assessment and
22 provide programs of information and treatment. The designated agencies or
23 organizations must meet the standards set by the Director of the Oregon
24 Health Authority. Whenever possible, the court shall designate agencies or
25 organizations to perform the diagnostic assessment that are separate from
26 those that may be designated to carry out a program of information or
27 treatment. The parent of the youth offender shall pay the cost of the youth
28 offender’s participation in the program based upon the ability of the parent
29 to pay. The petition shall be dismissed by the court upon written certif-
30 ication of the youth offender’s successful completion of the program from the

1 designated agency or organization providing the information and treatment.

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

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

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

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

17
