

**PROPOSED AMENDMENTS TO
HOUSE BILL 2367**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 419C.303;”.

3 Delete lines 5 through 29 and insert:

4 **“SECTION 1. The Legislative Assembly finds that:**

5 **“(1) The Uniform Collateral Consequences of Conviction Act con-**
6 **tains principles that allow persons accused of crimes to understand the**
7 **effects of their decisions;**

8 **“(2) The State of Oregon currently lacks a comprehensive system**
9 **that provides notice of the collateral consequences of criminal con-**
10 **victions to persons accused of crimes; and**

11 **“(3) The principles of the Uniform Collateral Consequences of Con-**
12 **viction Act should be adopted in Oregon in a manner that acknowl-**
13 **edges current provisions of law specific to this state.**

14 **“SECTION 2. Sections 1 to 9 of this 2015 Act shall be known and**
15 **may be cited as the Collateral Consequences of Conviction and Juve-**
16 **nile Adjudication Act.**

17 **“SECTION 3. As used in sections 1 to 9 of this 2015 Act:**

18 **“(1) ‘Adjudication’ means a finding that a person is within the ju-**
19 **risdiction of the juvenile court under ORS 419C.005.**

20 **“(2) ‘Admission’ means a formal acknowledgement of facts showing**
21 **a youth offender to be within the jurisdiction of the juvenile court as**
22 **provided in ORS 419C.005.**

1 **“(3) ‘Collateral consequence’ means a collateral sanction or a dis-**
2 **qualification.**

3 **“(4)(a) ‘Collateral sanction’ means a penalty, disability or disad-**
4 **vantage, imposed on a person as a result of the person’s conviction**
5 **or adjudication for an offense, that applies by operation of law,**
6 **whether or not the penalty, disability or disadvantage is included in**
7 **the judgment of conviction, adjudication, disposition or sentence.**

8 **“(b) ‘Collateral sanction’ does not include:**

9 **“(A) Imprisonment or commitment to a youth correction facility;**

10 **“(B) Probation, post-prison supervision, parole or other supervised**
11 **release; or**

12 **“(C) Forfeiture, restitution, fines, assessments, attorney fees or**
13 **other costs of prosecution.**

14 **“(5) ‘Decision maker’ means the state, acting through a depart-**
15 **ment, agency, officer or other instrumentality, including a political**
16 **subdivision, board, commission or employee.**

17 **“(6) ‘Disposition’ means an order directing the disposition of a case**
18 **made by a juvenile court pursuant to ORS 419C.411.**

19 **“(7) ‘Disqualification’ means a penalty, disability or disadvantage**
20 **that a decision maker is authorized, but not required, to impose on a**
21 **person as a result of the person’s conviction or adjudication for an**
22 **offense.**

23 **“(8) ‘Offense’ means a felony, misdemeanor or violation, or an act**
24 **committed by a person under 18 years of age that, if committed by an**
25 **adult, would constitute a violation of a law or ordinance of the United**
26 **States or a state, county or city.**

27 **“SECTION 4. (1) The Collateral Consequences Commission is es-**
28 **tablished, consisting of nine members appointed as follows:**

29 **“(a) The Chief Justice of the Supreme Court shall appoint two**
30 **members.**

1 **“(b) The Legislative Counsel shall appoint two members.**

2 **“(c) The Attorney General shall appoint two members, including**
3 **one district attorney.**

4 **“(d) The chairperson of the Public Defense Services Commission**
5 **shall appoint two members.**

6 **“(e) The Director of the Oregon Department of Administrative**
7 **Services shall appoint one member.**

8 **“(2) The Oregon Criminal Justice Commission shall provide staff**
9 **support to the Collateral Consequences Commission.**

10 **“(3) A majority of the members of the Collateral Consequences**
11 **Commission constitutes a quorum for the transaction of business.**

12 **“(4) Official action by the Collateral Consequences Commission re-**
13 **quires the approval of a majority of the members of the commission.**

14 **“(5) The Collateral Consequences Commission shall elect one of its**
15 **members to serve as chairperson.**

16 **“(6) If there is a vacancy for any cause, the appointing authority**
17 **shall make an appointment to become immediately effective.**

18 **“(7) The Collateral Consequences Commission shall meet at times**
19 **and places specified by the call of the chairperson or of a majority of**
20 **the members of the commission.**

21 **“(8) All agencies of state government, as defined in ORS 174.111, are**
22 **directed to assist the Collateral Consequences Commission in the per-**
23 **formance of its duties and, to the extent permitted by laws relating**
24 **to confidentiality, to furnish such information and advice as the**
25 **members of the commission consider necessary to perform their du-**
26 **ties.**

27 **“(9) The Collateral Consequences Commission shall:**

28 **“(a) Identify or cause to be identified all provisions in the Consti-**
29 **tution, the Oregon Revised Statutes and the Oregon Administrative**
30 **Rules that impose a collateral sanction or authorize the imposition of**

1 a disqualification, and any provision of law that may afford relief from
2 a collateral consequence;

3 “(b) No later than two years after the effective date of this 2015 Act,
4 prepare or cause to be prepared a collection of citations to, and the
5 text or short descriptions of, the provisions described in paragraph (a)
6 of this subsection; and

7 “(c) Update or cause to be updated the collection described in par-
8 agraph (b) of this subsection by February 1 of each year.

9 “(10) In fulfilling the obligations described in subsection (9) of this
10 section, the Collateral Consequences Commission:

11 “(a) May use the study of this state’s collateral sanctions, disqual-
12 ifications and relief provisions prepared by the National Institute of
13 Justice as described in section 510 of the Court Security Improvement
14 Act of 2007 (P.L. 110-177).

15 “(b) Shall consult, as needed, with representatives of the following
16 agencies or groups:

17 “(A) The Department of Corrections;

18 “(B) The Oregon Association of Community Corrections Directors;

19 “(C) The Oregon Juvenile Department Directors’ Association;

20 “(D) The Oregon Youth Authority;

21 “(E) The adult and juvenile panels of the Psychiatric Security Re-
22 view Board; and

23 “(F) The Oregon District Attorneys Association.

24 “(11)(a) The Oregon Criminal Justice Commission shall publish or
25 cause to be published the collection prepared and updated as required
26 by subsection (9) of this section.

27 “(b) The Oregon Criminal Justice Commission shall make the col-
28 lection described in subsection (9) of this section available to the
29 public without charge on an Internet website no later than 30 days
30 after the collection is created or updated.

1 **“(12) As a preface to the collection described in subsection (9) of**
2 **this section, the Oregon Criminal Justice Commission shall include or**
3 **cause to be included the following statements, which shall be displayed**
4 **in a prominent manner at the beginning of the collection in substan-**
5 **tially the following form:**

6 **“** _____
7 **This collection has not been enacted into law and does not have the**
8 **force of law.**

9 **An error or omission in this collection or in any reference work**
10 **cited in this collection is not a reason for invalidating a plea, juvenile**
11 **admission, conviction, juvenile adjudication, finding of guilty except**
12 **for insanity, juvenile disposition or sentence or for not imposing a**
13 **collateral sanction or not authorizing a disqualification.**

14 **The laws of other jurisdictions and local governments that impose**
15 **additional collateral sanctions and authorize additional disqualifica-**
16 **tions are not included in this collection.**

17 **This collection does not include any law or other provision regard-**
18 **ing the imposition of or relief from a collateral sanction or a disqual-**
19 **ification enacted or adopted after [date of the last preparation or**
20 **update of the collection].**

21 **Only administrative rules filed on or before [date of last full rule**
22 **review] have been included in this collection.**

23 **“** _____
24 **“(13) The Oregon Criminal Justice Commission may also publish or**
25 **cause to be published, as part of the collection, the title and Internet**
26 **address for the website of the most recent collection of:**

27 **“(a) Collateral consequences imposed or authorized by federal law;**
28 **and**

29 **“(b) Any provision of federal law that may afford relief from a**
30 **collateral consequence.**

1 **“SECTION 5. (1) Sections 1 to 9 of this 2015 Act do not provide a**
2 **basis for:**

3 **“(a) Invalidating a plea, admission, conviction, adjudication, finding**
4 **of guilty except for insanity, disposition or sentence;**

5 **“(b) A cause of action for money damages; or**

6 **“(c) A claim for relief from or defense to the application of a**
7 **collateral consequence based on the failure to fulfill the requirements**
8 **of section 6, 7, 8 or 9.**

9 **“(2) Sections 1 to 9 of this 2015 Act do not affect:**

10 **“(a) The duty a person’s attorney owes the person;**

11 **“(b) A claim or right of a victim of an offense; or**

12 **“(c) A right or remedy under a law other than sections 1 to 9 of this**
13 **2015 Act available to a person convicted or adjudicated of an offense.**

14 **“SECTION 6. (1) When a defendant appears for arraignment on an**
15 **accusatory instrument, the court shall cause the defendant to be no-**
16 **tified of the following information in substantially the following form:**

17 **“** _____
18 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

19 **If you plead guilty or are convicted of an offense, you may suffer**
20 **additional legal consequences beyond jail or prison, probation, post-**
21 **prison supervision, parole and fines. These consequences may include**
22 **but are not limited to:**

23 **Being unable to get or keep some licenses, permits, jobs or volun-**
24 **teer positions;**

25 **Being unable to get or keep benefits such as public housing or fi-**
26 **nancial assistance;**

27 **Having restricted access to public education and higher education;**

28 **Receiving a harsher sentence if you are convicted of another of-**
29 **fense in the future;**

30 **Having the government take your property; and**

1 **Being unable to vote or possess a firearm.**

2 **If you are not a United States citizen, a criminal proceeding may**
3 **also result in your deportation, removal or exclusion from admission**
4 **to the United States or denial of citizenship.**

5 **The law may provide ways to obtain some relief from these conse-**
6 **quences.**

7 **Further information about the consequences of conviction is avail-**
8 **able on the Internet at [Internet website address of collection as de-**
9 **scribed in section 4 (11) of this 2015 Act] and by consulting your**
10 **attorney.**

11 “
12 **“(2) Before the court proceeds to trial or accepts a plea of guilty**
13 **or no contest from a defendant, the court shall confirm that the de-**
14 **fendant received and understands the notice described in subsection**
15 **(1) of this section and has had an opportunity to discuss the notice**
16 **with the defendant’s attorney.**

17 **“SECTION 7. (1) When a youth is issued a summons as described**
18 **in ORS 419C.303, the summons must contain the following information**
19 **in substantially the following form:**

20 “
21 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

22 **If you are found to be within the juvenile court’s jurisdiction under**
23 **ORS 419C.005, you may suffer additional legal consequences beyond**
24 **detention or incarceration, probation, parole and fines. These conse-**
25 **quences may include but are not limited to:**

26 **Being unable to get or keep some licenses, permits, jobs or volun-**
27 **teer positions;**

28 **Being unable to get or keep benefits such as public housing or fi-**
29 **nancial assistance;**

30 **Having restricted access to public education and higher education;**

1 **Receiving a harsher disposition or sentence if you are adjudicated**
2 **or convicted of an offense in the future;**

3 **Having the government take your property; and**

4 **Being unable to possess a firearm.**

5 **If you are not a United States citizen, a juvenile delinquency pro-**
6 **ceeding may also result in your deportation, removal or exclusion**
7 **from admission to the United States or denial of citizenship.**

8 **The law may provide ways to obtain some relief from these conse-**
9 **quences.**

10 **Further information about the consequences of juvenile adjudi-**
11 **cation is available on the Internet at [Internet website address of col-**
12 **lection as described in section 4 (11) of this 2015 Act] and by consulting**
13 **your attorney.**

14 **“** _____

15 **“(2) At the youth’s first appearance in juvenile court, the court**
16 **shall confirm that the youth and the parent or guardian of the youth**
17 **have received the notice described in subsection (1) of this section.**

18 **“(3) Before the juvenile court proceeds to trial or accepts an ad-**
19 **mission, the court shall confirm that the youth and the parent or**
20 **guardian of the youth have received and understand the notice de-**
21 **scribed in subsection (1) of this section and that the youth has had an**
22 **opportunity to discuss the notice with the youth’s attorney.**

23 **“SECTION 8. (1) A defendant convicted or found guilty except for**
24 **insanity of an offense shall be given notice of the following informa-**
25 **tion at the times described in subsections (2) and (3) of this section:**

26 **“(a) That collateral consequences may apply because of the con-**
27 **viction;**

28 **“(b) The Internet website address of the collection of provisions**
29 **described in section 4 of this 2015 Act;**

30 **“(c) That there may be ways to obtain relief from collateral conse-**

1 **quences;**

2 **“(d) The contact information for government or nonprofit agencies,**
3 **groups or organizations, if any, offering assistance to individuals**
4 **seeking relief from collateral consequences; and**

5 **“(e) That the person may vote only after release from incarceration.**

6 **“(2) The court shall provide the notice described in subsection (1)**
7 **of this section to a defendant at the time of sentencing.**

8 **“(3) If a defendant is sentenced to a term of incarceration of more**
9 **than six months or committed for a period of more than six months,**
10 **the officer or agency releasing the defendant shall provide the notice**
11 **described in subsection (1) of this section at least 10 days before re-**
12 **lease.**

13 **“SECTION 9. (1) A youth offender found to be within the jurisdic-**
14 **tion of the juvenile court as provided in ORS 419C.005 shall be given**
15 **notice of the following information at the times described in sub-**
16 **sections (2) and (3) of this section:**

17 **“(a) That collateral consequences may apply because of the adjudi-**
18 **cation;**

19 **“(b) The Internet website address of the collection of provisions**
20 **described in section 4 of this 2015 Act;**

21 **“(c) That there may be ways to obtain relief from collateral conse-**
22 **quences;**

23 **“(d) The contact information for government or nonprofit agencies,**
24 **groups or organizations, if any, offering assistance to individuals**
25 **seeking relief from collateral consequences; and**

26 **“(e) That the person, if convicted as an adult, may vote only after**
27 **release from incarceration.**

28 **“(2) The court shall provide the notice described in subsection (1)**
29 **of this section to a youth offender at the time of disposition.**

30 **“(3) If the disposition of a youth offender’s case results in detention**

1 **or commitment to a youth correction facility for a period of more than**
2 **six months, the officer or agency releasing the youth offender shall**
3 **provide the notice described in subsection (1) of this section at least**
4 **10 days before release.**

5 **“SECTION 10.** ORS 419C.303 is amended to read:

6 “419C.303. The summons shall be signed by a counselor or some other
7 person acting under the direction of the court and shall contain the name
8 of the court, the title of the proceeding, **the notice described in section 7**
9 **of this 2015 Act** and, except for a published summons, a brief statement of
10 the substance of the facts required by ORS 419C.255 (1)(b). The summons
11 shall also include a notice that the parent or other person legally obligated
12 to support the youth may be required to pay, at some future date, for all or
13 a portion of the support of the youth, including the cost of out-of-home
14 placement, depending upon the ability of the parent to pay support.

15 **“SECTION 11. (1) Sections 5, 6, 7, 8 and 9 of this 2015 Act and the**
16 **amendments to ORS 419C.303 by section 10 of this 2015 Act become**
17 **operative on January 1, 2018.**

18 **“(2) A public body as defined in ORS 174.109 may take any action**
19 **before the operative date specified in subsection (1) of this section that**
20 **is necessary to enable the public body to exercise, on and after the**
21 **operative date specified in subsection (1) of this section, the duties,**
22 **functions and powers conferred on the public body by sections 5, 6, 7,**
23 **8 and 9 of this 2015 Act and the amendments to ORS 419C.303 by section**
24 **10 of this 2015 Act.”.**

25 On page 2, delete lines 1 through 31.

26 In line 32, delete “3” and insert “12”.

27