



Oregon Juvenile Department Directors' Association
Representing Oregon's County Juvenile Departments www.ojdda.org

- Torri Lynn, President
- Joe Ferguson, President Elect
- Debra Patterson, Treasurer

OJDDA
305 NE 3rd St
Prineville, OR, 97754

The Oregon Juvenile Department Directors' Association Supports Senate Bill 303

In 2015 the Oregon Legislature passed legislation that resulted in ORS 475B.260, often referred to as the "MIP-Marijuana" law. It was anticipated that it would be similar to the MIP-Alcohol statute (ORS 471.430), in both language and penalties. The two statutes lack similarity in a number of areas and SB 303 attempts to address both language and equity issues that have been noted.

Currently ORS 475B.260 (Marijuana) does not include the word "possession" in its language which has created confusion for both courts and juvenile departments. ORS 475B.260 (Marijuana) does not include the enhancement clause found in ORS 471.430 (Alcohol) that would make the possession a Class A violation if the person was operating a motor vehicle. ORS 475B.260 (Marijuana) uses the permissive language, "may", when referring to the court's ability to deny driving privileges when the statute is violated through misrepresentation of age, while ORS 471.430 (Alcohol) uses the word "shall" for the same. ORS 475B.260 (Marijuana) does not authorize a court to order assessment/treatment on a first offense and says the court "may" do so on a subsequent offense. 471.430 (Alcohol) allows a court to order assessment/treatment on a first offense and requires the court to do so on a subsequent offense.

SB 303 would incorporate the word "possession" into 475B.260 (Marijuana). It would also address the equity issues by including the above-mentioned enhancement clause while driving in both statutes, require the denial of driving privileges if either of the statutes are committed through misrepresentation of age, and allow the court the ability to order assessment/treatment on a first offense and require that the court do so on a subsequent offense for both statutes. The bill would also clarify the connection

that each of these statutes has with ORS 809.260, the statute governing the driving privilege suspension.

Additionally, SB 303 would repeal a portion of the formal accountability statute (ORS 419C.239) and the juvenile court marijuana diversion statute (ORS 419C.443). Historically, both of these statutes were specific to Possession of Less Than One Ounce of Marijuana and Delivery of Less Than Five Grams of Marijuana for No Consideration, both prior violation offenses. With the passage of HB 4014 in 2016, both statutes were amended and became specific to the crime of Unlawful Delivery of Marijuana. Presently, this offense is either a Class A misdemeanor or a Class C felony for youth. With the original intention of these statutes having been to address marijuana offenses that were classified as violations, and with all of the changes to Oregon's marijuana laws, it is appropriate to repeal these statutes at this time. A repeal of these statutes would not prevent juvenile departments from continuing to utilize formal accountability agreements or prevent local courts from utilizing alternative dispositions when addressing these offenses.

For Further Information Contact:

Lara Smith at 503-804-9750