

**A-Engrossed**  
**House Bill 2238**

Ordered by the House April 26  
Including House Amendments dated April 26

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Reduces crime classification of unlawful possession of controlled substance in Schedule I. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, except in specified circumstances. Retains current crime classification if possession is commercial drug offense or if person possesses substantial quantity of controlled substance.]*

*[Reduces crime classification of unlawful possession of controlled substance in Schedule II. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, except in specified circumstances. Retains current crime classification if possession is commercial drug offense or if person possesses substantial quantity of controlled substance.]*

Establishes Task Force on Public Safety.

Directs Department of Human Services to, upon request, create racial and ethnic impact statement on effect of proposed legislation or state measure on racial and ethnic composition of recipients of human services.

Requires Oregon Criminal Justice Commission to, **upon request by member of Legislative Assembly from each major political party**, create racial and ethnic impact statement for either proposed legislation or state measure that is related to crime and likely to have impact on criminal justice system. Requires that statement pertaining to state measure be printed in voters' pamphlet.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to crime; creating new provisions; amending ORS 137.656 and 251.185 and sections 1, 3 and  
3 5, chapter 600, Oregon Laws 2013; repealing section 10, chapter 600, Oregon Laws 2013; and  
4 declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) The Task Force on Public Safety is established, consisting of 13 members**  
7 **appointed to two-year terms as follows:**

8 (a) **The President of the Senate shall appoint two members from among members of the**  
9 **Senate.**

10 (b) **The Speaker of the House of Representatives shall appoint two members from among**  
11 **members of the House of Representatives.**

12 (c) **The Chief Justice of the Supreme Court shall appoint two members.**

13 (d) **The Governor shall appoint seven members as follows:**

14 (A) **One member shall be a county commissioner.**

15 (B) **One member shall be a district attorney.**

16 (C) **One member shall be a criminal defense attorney.**

17 (D) **Two members shall be representatives of law enforcement.**

18 (E) **One member shall be a representative of community corrections directors who is not**  
19 **a sheriff.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (F) One member shall be a representative of a community-based organization that pro-  
2 vides services to victims of crime.

3 (2) The task force shall:

4 (a) Study security release in Oregon, focusing on reducing racial and ethnic disparity in  
5 pretrial incarceration, including:

6 (A) Repealing statutes authorizing security release in favor of courts, or another entity  
7 with delegated authority, making release decisions;

8 (B) Utilizing pretrial release risk assessments; and

9 (C) Methods of reducing failure to appear at court hearings;

10 (b) Study the impact of criminal fines and fees; and

11 (c) Review the implementation of the Justice Reinvestment Program.

12 (3) No later than September 15, 2018, the task force shall submit to the Legislative As-  
13 ssembly, in the manner provided by ORS 192.245, a report that describes the findings of the  
14 task force. The report may include recommendations for legislation. The task force shall  
15 provide a copy of the report to the Governor.

16 (4) A majority of the members of the task force constitutes a quorum for the transaction  
17 of business.

18 (5) Official action by the task force requires the approval of a majority of the members  
19 of the task force.

20 (6) The task force shall elect one of its members to serve as chairperson.

21 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
22 ment to become immediately effective.

23 (8) The task force shall meet at times and places specified by the call of the chairperson  
24 or of a majority of the members of the task force.

25 (9) The task force may adopt rules necessary for the operation of the task force.

26 (10) Upon request, the Oregon Criminal Justice Commission, the Department of Cor-  
27 rections and the Oregon Department of Administrative Services shall provide staff support  
28 to the task force.

29 (11) Members of the task force who are not members of the Legislative Assembly are not  
30 entitled to compensation or reimbursement for expenses and serve as volunteers on the task  
31 force.

32 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist  
33 the task force in the performance of its duties and, to the extent permitted by laws relating  
34 to confidentiality, to furnish such information and advice as the members of the task force  
35 consider necessary to perform their duties.

36 **SECTION 2.** (1) As used in this section, "criminal offender population" means all persons  
37 who are convicted of a crime or adjudicated for an act that, if committed by an adult, would  
38 constitute a crime.

39 (2)(a) Upon written request from a member of the Legislative Assembly from each major  
40 political party, the Oregon Criminal Justice Commission shall prepare a racial and ethnic  
41 impact statement on proposed legislation that is related to crime and likely to have an effect  
42 on the criminal justice system.

43 (b) The statement shall describe the effects of the proposed legislation on the racial and  
44 ethnic composition of the criminal offender population.

45 (3) A racial and ethnic impact statement must be impartial, simple and understandable

1 and must include, for racial and ethnic groups for which data are available, the following:

2 (a) An estimate of how the proposed legislation would change the racial and ethnic  
3 composition of those likely to be convicted of a criminal offense created or modified by the  
4 proposed legislation;

5 (b) An estimate of the average length of incarceration that each racial and ethnic com-  
6 position group receives as a sentence, if applicable;

7 (c) A statement of the methodologies and assumptions used in preparing the estimate;  
8 and

9 (d) An estimate of the racial and ethnic composition of the crime victims who may be  
10 affected by the proposed legislation.

11 (4) The commission shall adopt rules to carry out the provisions of this section.

12 **SECTION 3.** (1)(a) Upon written request from a member of the Legislative Assembly from  
13 each major political party, the Oregon Criminal Justice Commission shall prepare a racial  
14 and ethnic impact statement for a state measure that is related to crime and likely to have  
15 an effect on the criminal justice system.

16 (b) The racial and ethnic impact statement must:

17 (A) Describe the effects of the state measure on the racial and ethnic composition of the  
18 criminal offender population as defined in section 2 of this 2017 Act;

19 (B) Include the information described in section 2 (3) of this 2017 Act; and

20 (C) Be impartial, simple and understandable.

21 (2) If the commission has prepared a racial and ethnic impact statement for a state  
22 measure, not later than the 110th day before a special election held on the date of a primary  
23 election or any general election at which the state measure is to be submitted to the people,  
24 the commission shall file the statement with the Secretary of State.

25 (3) Not later than the 100th day before the election at which the measure is to be voted  
26 upon, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice  
27 to receive suggestions for changes to the statement or to receive other information. At the  
28 hearing, any person may submit suggested changes or other information orally or in writing.  
29 Written suggestions and any other information also may be submitted at any time before the  
30 hearing.

31 (4) The commission shall consider suggestions and any other information submitted un-  
32 der subsection (3) of this section and may file a revised statement with the Secretary of  
33 State not later than the 90th day before the election at which the measure is to be voted  
34 upon.

35 (5) The Secretary of State shall certify the statement not later than the 90th day before  
36 the election at which the measure is to be voted upon.

37 (6) All statements prepared under this section shall be made available to the public.

38 (7) A failure to prepare, file or certify a statement does not prevent inclusion of the  
39 measure in the voters' pamphlet.

40 **SECTION 4.** Section 1, chapter 600, Oregon Laws 2013, is amended to read:

41 **Sec. 1.** [(1) As used in this section:]

42 [(a) "Criminal offender population" means all persons who are convicted of a crime or adjudicated  
43 for an act that, if committed by an adult, would constitute a crime.]

44 [(b)] (1) As used in this section, "recipients of human services" means all persons who are  
45 found to be within the jurisdiction of the juvenile court under ORS 419B.100 or who receive child

1 welfare services described in ORS 418.005.

2 (2) To obtain a racial and ethnic impact statement described in this section, one member of the  
3 Legislative Assembly from each major political party must sign a written request. Upon receipt of  
4 the written request, the [*Oregon Criminal Justice Commission*] **Department of Human Services**  
5 shall prepare a racial and ethnic impact statement that describes the effects of proposed legislation  
6 on the racial and ethnic composition of[:]

7 [(a) *The criminal offender population; or*]

8 [(b)] recipients of human services.

9 (3) A racial and ethnic impact statement must be impartial, simple and understandable and must  
10 include, for racial and ethnic groups for which data are available, the following:

11 (a) An estimate of how the proposed legislation would change the racial and ethnic composition  
12 of the [*criminal offender population or*] recipients of human services; **and**

13 (b) A statement of the methodologies and assumptions used in preparing the estimate.[: *and*]

14 [(c) *If the racial and ethnic impact statement addresses the effect of proposed legislation on the*  
15 *criminal offender population, an estimate of the racial and ethnic composition of the crime victims who*  
16 *may be affected by the proposed legislation.*]

17 (4) The [*commission*] **department** shall adopt rules to carry out the provisions of this section.

18 **SECTION 5.** Section 3, chapter 600, Oregon Laws 2013, is amended to read:

19 **Sec. 3.** (1) To obtain a racial and ethnic impact statement described in this section, one member  
20 of the Legislative Assembly from each major political party must sign a written request. Upon re-  
21 ceipt of the written request, the [*Oregon Criminal Justice Commission*] **Department of Human**  
22 **Services** shall prepare a racial and ethnic impact statement that describes the effects of a state  
23 measure on the racial and ethnic composition of[:]

24 [(a) *The criminal offender population, as defined in section 1 of this 2013 Act; or*]

25 [(b)] recipients of human services, as defined in section 1 [*of this 2013 Act*], **chapter 600, Oregon**  
26 **Laws 2013.**

27 (2) The statement must be impartial, simple and understandable and must include the informa-  
28 tion described in section 1 (3) [*of this 2013 Act*], **chapter 600, Oregon Laws 2013.**

29 (3) If the [*commission*] **department** has prepared a racial and ethnic impact statement for a  
30 state measure, not later than the 99th day before a special election held on the date of a primary  
31 election or any general election at which the state measure is to be submitted to the people, the  
32 [*commission*] **department** shall file the statement with the Secretary of State.

33 (4) Not later than the 95th day before the election, the Secretary of State shall hold a hearing  
34 in Salem upon reasonable statewide notice to receive suggestions for changes to the statement or  
35 to receive other information. At the hearing, any person may submit suggested changes or other  
36 information orally or in writing. Written suggestions and any other information also may be sub-  
37 mitted at any time before the hearing.

38 (5) The [*commission*] **department** shall consider suggestions and any other information submit-  
39 ted under subsection (4) of this section and may file a revised statement with the Secretary of State  
40 not later than the 90th day before the election at which the measure is to be voted upon.

41 (6) The Secretary of State shall certify the statement not later than the 90th day before the  
42 election at which the measure is to be voted upon.

43 (7) All statements prepared under this section shall be made available to the public.

44 (8) A failure to prepare, file or certify a statement does not prevent inclusion of the measure in  
45 the voters' pamphlet.

1       **SECTION 6. Section 10, chapter 600, Oregon Laws 2013, is repealed.**

2       **SECTION 7.** ORS 137.656, as amended by section 9, chapter 600, Oregon Laws 2013, is amended  
3 to read:

4       137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-  
5 tiveness and efficiency of state and local criminal justice systems by providing a centralized and  
6 impartial forum for statewide policy development and planning.

7       (2) The primary duty of the commission is to develop and maintain a state criminal justice policy  
8 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses  
9 public safety, offender accountability, crime reduction and prevention and offender treatment and  
10 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

11       (a) Capacity, utilization and type of state and local prison and jail facilities;

12       (b) Implementation of community corrections programs;

13       (c) Alternatives to the use of prison and jail facilities;

14       (d) Appropriate use of existing facilities and programs;

15       (e) Whether additional or different facilities and programs are necessary;

16       (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices  
17 and sanctions in reducing future criminal conduct by juvenile and adult offenders;

18       (g) Methods of reducing the risk of future criminal conduct; and

19       (h) The effective utilization of local public safety coordinating councils.

20       (3) Other duties of the commission are:

21       (a) To conduct joint studies by agreement with other state agencies, boards or commissions on  
22 any matter within the jurisdiction of the commission.

23       (b) To provide Oregon criminal justice analytical and statistical information to federal agencies  
24 and serve as a clearinghouse and information center for the collection, preparation, analysis and  
25 dissemination of information on state and local sentencing practices.

26       (c) To provide technical assistance and support to local public safety coordinating councils.

27       (d) To receive grant applications to start or expand drug court programs as defined in ORS  
28 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

29       **(e) To prepare the racial and ethnic impact statements described in sections 2 and 3 of**  
30 **this 2017 Act.**

31       (4) The commission shall establish by rule the information that must be submitted under ORS  
32 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection  
33 must be approved by the Chief Justice of the Supreme Court before it takes effect.

34       (5) The commission may:

35       (a) Apply for and receive gifts and grants from any public or private source.

36       (b) Award grants from funds appropriated by the Legislative Assembly to the commission or  
37 from funds otherwise available from any other source, for the purpose of carrying out the duties of  
38 the commission.

39       (c) Adopt rules to carry out the provisions of this subsection.

40       **SECTION 8.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, and section  
41 5, chapter 72, Oregon Laws 2014, is amended to read:

42       251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
43 election or any special election a copy of the title and text of each state measure to be submitted  
44 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
45 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet

1 with:

- 2 (a) The number and ballot title of the measure;
- 3 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 4 (c) The explanatory statement prepared for the measure;
- 5 (d) Arguments relating to the measure and filed with the Secretary of State; *[and]*
- 6 (e) **Any racial and ethnic impact statement prepared for the measure under section 3,**
- 7 **chapter 600, Oregon Laws 2013, or section 3 of this 2017 Act; and**
- 8 *[(e)]* (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

9 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
10 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
11 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
12 described in subsection (1) of this section if required under ORS 251.067.

13 **SECTION 9.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, section 5,  
14 chapter 72, Oregon Laws 2014, and section 8 of this 2017 Act, is amended to read:

15 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
16 election or any special election a copy of the title and text of each state measure to be submitted  
17 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
18 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
19 with:

- 20 (a) The number and ballot title of the measure;
- 21 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 22 (c) The explanatory statement prepared for the measure;
- 23 (d) Arguments relating to the measure and filed with the Secretary of State;
- 24 (e) Any racial and ethnic impact statement prepared for the measure under *[section 3, chapter*
- 25 *600, Oregon Laws 2013, or]* section 3 of this 2017 Act; and
- 26 (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

27 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
28 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
29 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
30 described in subsection (1) of this section if required under ORS 251.067.

31 **SECTION 10. Section 1 of this 2017 Act is repealed on the date of the convening of the**  
32 **2023 regular session of the Legislative Assembly as specified in ORS 171.010.**

33 **SECTION 11.** Section 5, chapter 600, Oregon Laws 2013, is amended to read:

34 **Sec. 5. (1) [Sections 1 to 4 of this 2013 Act] Sections 2 and 4, chapter 600, Oregon Laws 2013,**  
35 **are repealed on January 2, 2018.**

36 **(2) Sections 1 and 3, chapter 600, Oregon Laws 2013, as amended by sections 4 and 5 of**  
37 **this 2017 Act, are repealed on January 2, 2018.**

38 **SECTION 12. The amendments to ORS 251.185 by section 9 of this 2017 Act become op-**  
39 **erative on January 2, 2018.**

40 **SECTION 13. Section 3 of this 2017 Act and the amendments to ORS 251.185 by section**  
41 **9 of this 2017 Act apply to elections held on or after the first Tuesday after the first Monday**  
42 **in November 2018.**

43 **SECTION 14. This 2017 Act being necessary for the immediate preservation of the public**  
44 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
45 **on its passage.**

