

# House Bill 2238

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 **as introduced**.

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 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

Relating to crime; creating new provisions; amending ORS 137.656, 161.570, 251.185, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894 and sections 1, 3 and 5, chapter 600, Oregon Laws 2013; repealing section 10, chapter 600, Oregon Laws 2013; and declaring an emergency.

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

**SECTION 1.** ORS 475.752, as amended by section 59, chapter 24, Oregon Laws 2016, is amended to read:

475.752. (1) Except for licensees and licensee representatives, as those terms are defined in ORS 475B.015, that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS 475B.245, and except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise provided in ORS 475.886 and 475.890.

(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880, 475.882, 475.904 and 475.906.

(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise provided in ORS 475.904 and 475.906.

(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with

**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 respect to:

- 2 (a) A counterfeit substance in Schedule I, is guilty of a Class A felony.
- 3 (b) A counterfeit substance in Schedule II, is guilty of a Class B felony.
- 4 (c) A counterfeit substance in Schedule III, is guilty of a Class C felony.
- 5 (d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.
- 6 (e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

7 (3) It is unlawful for any person knowingly or intentionally to possess a controlled substance,  
 8 other than marijuana, unless the substance was obtained directly from, or pursuant to a valid pre-  
 9 scription or order of, a practitioner while acting in the course of professional practice, or except  
 10 as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates  
 11 this subsection with respect to:

- 12 (a) A controlled substance in Schedule I, is guilty of a Class [*B felony*] **A misdemeanor**, except  
 13 as otherwise provided in ORS **475.854, 475.874 and 475.894 and subsection (7)(a) of this section.**
- 14 (b) A controlled substance in Schedule II, is guilty of a Class [*C felony*] **A misdemeanor**, except  
 15 as otherwise provided in ORS **475.824, 475.834, 475.864** or [*section 47, chapter 24, Oregon Laws*  
 16 **2016**] **475.884 or subsection (7)(b) of this section.**
- 17 (c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.
- 18 (d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.
- 19 (e) A controlled substance in Schedule V, is guilty of a violation.

20 (4) In any prosecution under this section for manufacture, possession or delivery of that plant  
 21 of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is  
 22 being used or is intended for use:

- 23 (a) In connection with the good faith practice of a religious belief;
- 24 (b) As directly associated with a religious practice; and
- 25 (c) In a manner that is not dangerous to the health of the user or others who are in the prox-  
 26 imity of the user.

27 (5) The affirmative defense created in subsection (4) of this section is not available to any person  
 28 who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

29 (6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or  
 30 delivers a controlled substance in Schedule IV and who thereby causes death to another person is  
 31 guilty of a Class C felony.

32 (b) For purposes of this subsection, causation is established when the controlled substance plays  
 33 a substantial role in the death of the other person.

34 **(7)(a) Notwithstanding subsection (3)(a) of this section, unlawful possession of a con-**  
 35 **trolled substance in Schedule I is a Class B felony if:**

- 36 **(A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**
- 37 **(B) The person possesses:**
  - 38 **(i) Two hundred or more user units of a mixture or substance containing a detectable**  
 39 **amount of lysergic acid diethylamide; or**
  - 40 **(ii) Sixty grams or more of a mixture or substance containing a detectable amount of**  
 41 **psilocybin or psilocin.**

42 **(b) Notwithstanding subsection (3)(b) of this section, unlawful possession of a controlled**  
 43 **substance in Schedule II is a Class C felony if the possession is a commercial drug offense**  
 44 **under ORS 475.900 (1)(b).**

45 **SECTION 2.** ORS 475.824 is amended to read:

1 475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone unless  
 2 the methadone was obtained directly from, or pursuant to, a valid prescription or order of a prac-  
 3 titioner while acting in the course of professional practice, or except as otherwise authorized by  
 4 ORS 475.005 to 475.285 and 475.752 to 475.980.

5 (2)(a) Unlawful possession of methadone is a Class [C felony] **A misdemeanor.**

6 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone**  
 7 **is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).**

8 **SECTION 3.** ORS 475.834 is amended to read:

9 475.834. (1) It is unlawful for any person knowingly or intentionally to possess oxycodone unless  
 10 the oxycodone was obtained directly from, or pursuant to, a valid prescription or order of a practi-  
 11 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS  
 12 475.005 to 475.285 and 475.752 to 475.980.

13 (2)(a) Unlawful possession of oxycodone is a Class [C felony] **A misdemeanor.**

14 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone**  
 15 **is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).**

16 **SECTION 4.** ORS 475.854 is amended to read:

17 475.854. (1) It is unlawful for any person knowingly or intentionally to possess heroin.

18 (2)(a) Unlawful possession of heroin is a Class [B felony] **A misdemeanor.**

19 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a**  
 20 **Class B felony if:**

21 **(A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

22 **(B) The person possesses five grams or more of a mixture or substance containing a de-**  
 23 **tectable amount of heroin.**

24 **SECTION 5.** ORS 475.874 is amended to read:

25 475.874. (1) It is unlawful for any person knowingly or intentionally to possess  
 26 3,4-methylenedioxyamphetamine.

27 (2)(a) Unlawful possession of 3,4-methylenedioxyamphetamine is a Class [B felony] **A**  
 28 **misdemeanor.**

29 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of**  
 30 **3,4-methylenedioxyamphetamine is a Class B felony if:**

31 **(A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

32 **(B) The person possesses five grams or more or 25 or more pills, tablets or capsules of**  
 33 **a mixture or substance containing a detectable amount of:**

34 **(i) 3,4-methylenedioxyamphetamine;**

35 **(ii) 3,4-methylenedioxyamphetamine; or**

36 **(iii) 3,4-methylenedioxy-N-ethylamphetamine.**

37 **SECTION 6.** ORS 475.884 is amended to read:

38 475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless  
 39 the substance was obtained directly from, or pursuant to, a valid prescription or order of a practi-  
 40 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS  
 41 475.005 to 475.285 and 475.752 to 475.980.

42 (2)(a) Unlawful possession of cocaine is a Class [C felony] **A misdemeanor.**

43 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a**  
 44 **Class C felony if:**

45 **(A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

1       **(B) The person possesses 10 grams or more of a mixture or substance containing a de-**  
 2 **tectable amount of cocaine.**

3       **SECTION 7.** ORS 475.894 is amended to read:

4       475.894. (1) It is unlawful for any person knowingly or intentionally to possess methamphetamine  
 5 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a  
 6 practitioner while acting in the course of professional practice, or except as otherwise authorized  
 7 by ORS 475.005 to 475.285 and 475.752 to 475.980.

8       (2)(a) Unlawful possession of methamphetamine is a Class [*C felony*] **A misdemeanor.**

9       **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of metham-**  
 10 **phetamine is a Class C felony if:**

11       **(A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

12       **(B) The person possesses 10 grams or more of a mixture or substance containing a de-**  
 13 **tectable amount of methamphetamine.**

14       **SECTION 8.** ORS 161.570 is amended to read:

15       161.570. (1) As used in this section, “nonperson felony” has the meaning given that term in the  
 16 rules of the Oregon Criminal Justice Commission.

17       (2) A district attorney may elect to treat a Class C nonperson felony or a violation of ORS  
 18 475.752 [(3)(a)] **(7)(a)**, 475.854 **(2)(b)** or 475.874 **(2)(b)** as a Class A misdemeanor. The election must  
 19 be made by the district attorney orally or in writing at the time of the first appearance of the de-  
 20 fendant. If a district attorney elects to treat a Class C felony or a violation of ORS 475.752 [(3)(a)]  
 21 **(7)(a)**, 475.854 **(2)(b)** or 475.874 **(2)(b)** as a Class A misdemeanor under this subsection, the court  
 22 shall amend the accusatory instrument to reflect the charged offense as a Class A misdemeanor.

23       (3) If, at some time after the first appearance of a defendant charged with a Class C nonperson  
 24 felony or a violation of ORS 475.752 [(3)(a)] **(7)(a)**, 475.854 **(2)(b)** or 475.874 **(2)(b)**, the district at-  
 25 torney and the defendant agree to treat the charged offense as a Class A misdemeanor, the court  
 26 may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.

27       (4) If a Class C felony or a violation of ORS 475.752 [(3)(a)] **(7)(a)**, 475.854 **(2)(b)** or 475.874 **(2)(b)**  
 28 is treated as a Class A misdemeanor under this section, the court shall clearly denominate the of-  
 29 fense as a Class A misdemeanor in any judgment entered in the matter.

30       (5) If no election or stipulation is made under this section, the case proceeds as a felony.

31       (6) Before a district attorney may make an election under subsection (2) of this section, the  
 32 district attorney shall adopt written guidelines for determining when and under what circumstances  
 33 the election may be made. The district attorney shall apply the guidelines uniformly.

34       (7) Notwithstanding ORS 161.635, the fine that a court may impose upon conviction of a  
 35 misdemeanor under this section may not:

36       (a) Be less than the minimum fine established by ORS 137.286 for a felony; or

37       (b) Exceed the amount provided in ORS 161.625 for the class of felony receiving Class A  
 38 misdemeanor treatment.

39       **SECTION 9. (1) The Task Force on Public Safety is established, consisting of 13 members**  
 40 **appointed to two-year terms as follows:**

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

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

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

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

2 (A) One member shall be a county commissioner.

3 (B) One member shall be a district attorney.

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

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

6 (E) One member shall be a representative of community corrections directors who is not  
7 a sheriff.

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

10 (2) The task force shall:

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

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

15 (B) Utilizing pretrial release risk assessments; and

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 10.** (1) As used in this section, "criminal offender population" means all persons  
44 who are convicted of a crime or adjudicated for an act that, if committed by an adult, would  
45 constitute a crime.

1           **(2)(a) The Oregon Criminal Justice Commission shall prepare a racial and ethnic impact**  
 2 **statement on proposed legislation reported out of a committee of the Legislative Assembly**  
 3 **that is related to crime and likely to have an effect on the criminal justice system.**

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

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

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

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

13           **(c) A statement of the methodologies and assumptions used in preparing the estimate;**  
 14 **and**

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

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

18           **SECTION 11. (1)(a) The Oregon Criminal Justice Commission shall prepare a racial and**  
 19 **ethnic impact statement for each state measure that is related to crime and likely to have**  
 20 **an effect on the criminal justice system.**

21           **(b) The racial and ethnic impact statement must:**

22           **(A) Describe the effects of the state measure on the racial and ethnic composition of the**  
 23 **criminal offender population as defined in section 10 of this 2017 Act;**

24           **(B) Must include the information described in section 10 (3) of this 2017 Act; and**

25           **(C) Be impartial, simple and understandable.**

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

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

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

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

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

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

45           **SECTION 12. Section 1, chapter 600, Oregon Laws 2013, is amended to read:**

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

2           [(a) “*Criminal offender population*” means all persons who are convicted of a crime or adjudicated  
3 for an act that, if committed by an adult, would constitute a crime.]

4           [(b)] (1) **As used in this section**, “recipients of human services” means all persons who are  
5 found to be within the jurisdiction of the juvenile court under ORS 419B.100 or who receive child  
6 welfare services described in ORS 418.005.

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

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

13           [(b)] recipients of human services.

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

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

18           (b) A statement of the methodologies and assumptions used in preparing the estimate.[; and]

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

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

23       **SECTION 13.** Section 3, chapter 600, Oregon Laws 2013, is amended to read:

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

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

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

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

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

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

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

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

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

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

6 **SECTION 14. Section 10, chapter 600, Oregon Laws 2013, is repealed.**

7 **SECTION 15.** ORS 137.656, as amended by section 9, chapter 600, Oregon Laws 2013, is  
8 amended to read:

9 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-  
10 tiveness and efficiency of state and local criminal justice systems by providing a centralized and  
11 impartial forum for statewide policy development and planning.

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

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

17 (b) Implementation of community corrections programs;

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

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

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

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

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

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

25 (3) Other duties of the commission are:

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

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

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

32 (d) To receive grant applications to start or expand drug court programs as defined in ORS  
33 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

34 **(e) To prepare the racial and ethnic impact statements described in sections 10 and 11**  
35 **of this 2017 Act.**

36 **(f) To track and make available to the public on an Internet website all racial and ethnic**  
37 **data related to sentencing and rates of incarceration.**

38 (4) The commission shall establish by rule the information that must be submitted under ORS  
39 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection  
40 must be approved by the Chief Justice of the Supreme Court before it takes effect.

41 (5) The commission may:

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

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

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

2 **SECTION 16.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, and sec-  
3 tion 5, chapter 72, Oregon Laws 2014, is amended to read:

4 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
5 election or any special election a copy of the title and text of each state measure to be submitted  
6 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
7 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
8 with:

9 (a) The number and ballot title of the measure;

10 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

11 (c) The explanatory statement prepared for the measure;

12 (d) Arguments relating to the measure and filed with the Secretary of State; *[and]*

13 **(e) Any racial and ethnic impact statement prepared for the measure under section 3,**  
14 **chapter 600, Oregon Laws 2013, or section 11 of this 2017 Act; and**

15 *[(e)]* (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

16 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
17 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
18 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
19 described in subsection (1) of this section if required under ORS 251.067.

20 **SECTION 17.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, section  
21 5, chapter 72, Oregon Laws 2014, and section 16 of this 2017 Act, is amended to read:

22 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
23 election or any special election a copy of the title and text of each state measure to be submitted  
24 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
25 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
26 with:

27 (a) The number and ballot title of the measure;

28 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

29 (c) The explanatory statement prepared for the measure;

30 (d) Arguments relating to the measure and filed with the Secretary of State;

31 (e) Any racial and ethnic impact statement prepared for the measure under *[section 3, chapter*  
32 *600, Oregon Laws 2013 or]* section 11 of this 2017 Act; and

33 (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

34 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
35 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
36 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
37 described in subsection (1) of this section if required under ORS 251.067.

38 **SECTION 18. Section 9 of this 2017 Act is repealed on the date of the convening of the**  
39 **2023 regular session of the Legislative Assembly as specified in ORS 171.010.**

40 **SECTION 19.** Section 5, chapter 600, Oregon Laws 2013, is amended to read:

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

43 **(2) Sections 1 and 3, chapter 600, Oregon Laws 2013, as amended by sections 12 and 13**  
44 **of this 2017 Act, are repealed on January 2, 2018.**

45 **SECTION 20.** The amendments to ORS 251.185 by section 17 of this 2016 Act become op-

1 erative on January 2, 2018.

2 **SECTION 21.** Section 11 of this 2017 Act and the amendments to ORS 251.185 by section  
3 **16 of this 2017 Act apply to elections held on or after the first Tuesday after the first Monday**  
4 **in November 2018.**

5 **SECTION 22.** This 2017 Act being necessary for the immediate preservation of the public  
6 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
7 **on its passage.**

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