

HOUSE AMENDMENTS TO HOUSE BILL 2793

By COMMITTEE ON JUDICIARY

April 21

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating
2 new provisions; and amending ORS 167.008, 809.275 and 809.280.”.

3 Delete lines 4 through 18 and insert:

4 **“SECTION 1.** ORS 167.008 is amended to read:

5 “167.008. (1) A person commits the crime of commercial sexual solicitation if the person pays,
6 or offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.

7 “(2) Commercial sexual solicitation is a Class A misdemeanor.

8 **“(3)(a) Upon conviction under this section, the defendant shall provide to the court a
9 complete list of Oregon licenses, certificates, permits and registrations that the person
10 holds.**

11 **“(b) A court shall transmit to the issuing entities of the Oregon licenses, certificates,
12 permits or registrations listed by the defendant pursuant to paragraph (a) of this subsection
13 a copy of the final order of the court.**

14 **“(c) A court may find a person in contempt of court as that term is defined in ORS 33.015
15 and may impose sanctions for contempt pursuant to ORS 33.045 if the person knowingly fails
16 or refuses to provide the information required by paragraph (a) of this subsection.**

17 **“(d) An Oregon issuing entity shall clearly state on application forms for Oregon licenses,
18 certificates, permits or registrations that, by being issued the license, certificate, permit or
19 registration, the applicant agrees to comply with the requirements of paragraph (a) of this
20 subsection.**

21 **“(4)(a) Upon conviction under this section, the court shall revoke any hunting and angl-
22 ing licenses and tags possessed by or issued to the defendant.**

23 **“(b) The State Department of Fish and Wildlife shall refuse to issue a hunting or angling
24 license or tag to a defendant convicted under this section for a period of one year following
25 the conviction.**

26 **“(5) Upon conviction under this section, the court shall order the defendant to complete
27 a john school program as a condition of any probation sentence.**

28 **“(6) As used in this section and section 3 of this 2017 Act, ‘john school’ means any course,
29 class or program intended to educate and prevent recidivism of persons who have been ar-
30 rested, charged or convicted under this section.**

31 **“SECTION 2.** Section 3 of this 2017 Act is added to and made a part of ORS 167.002 to
32 167.027.

33 **“SECTION 3.** (1) A defendant charged with commercial sexual solicitation under ORS
34 167.008 may enter into a diversion agreement as described in this section if the defendant:

35 **“(a) Has never been convicted under ORS 167.008 or for an equivalent crime in another**

1 jurisdiction;

2 “(b) Has never completed a diversion program under this section or for an equivalent
3 crime in another jurisdiction; and

4 “(c) Is not currently participating in a john school program.

5 “(2) The diversion agreement must contain:

6 “(a) A waiver of the defendant’s right to a speedy trial;

7 “(b) A description of the terms of the diversion agreement as described in subsection (3)
8 of this section; and

9 “(c) An acknowledgement that the defendant must complete a john school program ap-
10 proved by the court at the defendant’s own expense in order to obtain a dismissal of the
11 charge.

12 “(3)(a) If the defendant enters into a diversion agreement under this subsection, the
13 court shall:

14 “(A) Accept the defendant’s plea of guilty or no contest;

15 “(B) Withhold entry of a judgment of conviction; and

16 “(C) Stay the criminal proceedings for 180 days.

17 “(b) If the defendant completes a john school program, and provides the court with proof
18 of completion, within 180 days of the stay of criminal proceedings, the court shall allow the
19 defendant to withdraw the defendant’s plea and shall dismiss the charge with prejudice.

20 “(c) If, after 180 days from the date of the stay of criminal proceedings, the defendant
21 has not completed the john school program or is unable to provide proof of completion, the
22 court shall terminate the diversion period and shall enter a judgment of conviction for
23 commercial sexual solicitation.

24 “SECTION 4. Section 5 of this 2017 Act is added to and made a part of the Oregon Vehicle
25 Code.

26 “SECTION 5. (1) Unless the court finds compelling circumstances not to order suspension
27 of driving privileges, the court in which a person is convicted of commercial sexual sollicita-
28 tion under ORS 167.008 shall order suspension of the person’s driving privileges.

29 “(2) Upon receipt of an order under this section, the Department of Transportation shall
30 take action as directed under ORS 809.280.

31 “SECTION 6. ORS 809.275 is amended to read:

32 “809.275. (1) A court shall take immediate possession of any license or driver permit held by a
33 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under
34 ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, 809.270, 811.109 or 811.135 **or sec-**
35 **tion 5 of this 2017 Act.**

36 “(2) Upon taking possession of a license or permit under this section, a court shall immediately
37 forward to the Department of Transportation the license or permit and a copy of the suspension or
38 revocation order or other information satisfactory to the department and to the State Court Ad-
39 ministrator.

40 “(3) A suspension or revocation of driving privileges becomes effective on the date a court takes
41 possession of a license or permit under this section or orders the suspension or revocation.

42 “(4) The department is not required to provide further notice of a suspension or revocation or-
43 dered by the court.

44 “(5) Nothing in this section requires a court to take additional action, after the conclusion of
45 the sentencing hearing, to secure the driver license or driver permit.

1 “**SECTION 7.** ORS 809.280 is amended to read:

2 “809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation
3 shall suspend the person’s driving privileges. The suspension shall remain in effect until the de-
4 partment is notified by the court that the suspension is ended, except that, if the department is or-
5 dered to automatically reinstate the driving privileges upon the successful completion of a program,
6 the department shall do so and shall notify the judge that the person has complied with the order
7 of the judge.

8 “(2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person’s
9 driving privileges. The suspension shall be for the period ordered by the court. The court may only
10 order suspension for a period not to exceed 90 days.

11 “(3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department
12 shall suspend the person’s driving privileges and, subject to any other requirements of law, reinstate
13 the driving privileges upon appropriate notification from the court under ORS 809.130, except that
14 the department shall only impose the suspension after the department has determined that:

15 “(a) The judgment was rendered against the person;

16 “(b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

17 “(c) The judgment continues to be unsettled as described in ORS 809.470.

18 “(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend
19 the person’s driving privileges for an indefinite period. The department shall reinstate driving priv-
20 ileges that have been suspended under this subsection upon notification by the court or upon the
21 elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, whichever
22 comes first. The department may not suspend any driving privileges under this subsection for a
23 person’s failure to appear on a parking, pedestrian or bicyclist offense.

24 “(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the
25 person’s driving privileges for an indefinite period. The department shall reinstate driving privileges
26 that have been suspended under this subsection upon notification by the court or upon the lapse of
27 10 years from the date of suspension, whichever comes first.

28 “(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person’s
29 driving privileges as follows:

30 “(a) Upon receipt of the first order suspending driving privileges, the department shall suspend
31 the person’s driving privileges for one year, or until the person reaches 17 years of age, whichever
32 is longer.

33 “(b) Upon receipt of a second or subsequent order suspending driving privileges, the department
34 shall suspend the person’s driving privileges for one year or until the person reaches 18 years of
35 age, whichever is longer.

36 “(7) If the department receives notice from a court that it has withdrawn an order issued under
37 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-
38 pended under subsection (6) of this section because of the issuance of the order.

39 “(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend
40 the person’s driving privileges. The suspension shall be for the period ordered by the court. The
41 court may only order suspension for a period not to exceed one year.

42 “(9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person’s
43 driving privileges for six months.

44 “(10) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke
45 the person’s driving privileges. The revocation shall remain in effect until the department is notified

1 by a court that the person's driving privileges have been ordered restored.

2 “(11) When a court orders suspension of driving privileges under ORS 811.109 (4), the depart-
3 ment shall suspend the person's driving privileges. The suspension shall be for the period ordered
4 by the court. The court may only order suspension for a period not to exceed 30 days.

5 “(12) When a court orders suspension of driving privileges under ORS 811.109 (5), the depart-
6 ment shall suspend the person's driving privileges. The suspension shall be for the period ordered
7 by the court. The court may only order suspension for not less than 30 days and not more than 90
8 days.

9 “(13) Upon receipt of a court order under ORS 811.135, the department shall suspend the
10 person's driving privileges for one year.

11 **“(14) Upon receipt of a court order under section 5 of this 2017 Act, the department shall**
12 **suspend the person's driving privileges for six months.**

13 **“SECTION 8. (1) Section 5 of this 2017 Act and the amendments to ORS 809.280 by section**
14 **7 of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.**

15 **“(2) The amendments to ORS 167.008 by section 1 of this 2017 Act apply to conduct oc-**
16 **curring, and to initial Oregon licenses, certificates, permits and registrations issued, on or**
17 **after the effective date of this 2017 Act.”.**

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