

Senate Bill 369

Sponsored by Senator HANSELL; Representative BARRETO (Pre-session filed.)

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**.

Requires employee of certain premises who holds service permit to make report if employee has reasonable belief that sex trafficking is occurring at premises or that minor is employed as performer at premises in manner violating Oregon Liquor Control Commission rules. Exempts employee from civil liability for good faith report.

A BILL FOR AN ACT

1
2 Relating to mandatory reporting by service permit holders; creating new provisions; and amending
3 ORS 471.385.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 471.**

6 **SECTION 2. (1) As used in this section, "law enforcement agency" means:**

7 (a) **A city or municipal police department;**

8 (b) **A county sheriff's office; or**

9 (c) **The Oregon State Police.**

10 (2) **An employee of a premises licensed for full on-premises sales or limited on-premises**
11 **sales who holds a service permit shall:**

12 (a) **Report to a law enforcement agency and to the Oregon Liquor Control Commission**
13 **if the employee has a reasonable belief that sex trafficking is occurring at the licensed**
14 **premises; and**

15 (b) **Report to the commission if the employee has a reasonable belief that a minor is**
16 **employed as a performer at the licensed premises in a manner that violates commission**
17 **rules.**

18 (3) **An employee making a report under this section in good faith is immune from any**
19 **criminal or civil liability for making the report.**

20 **SECTION 3. ORS 471.385 is amended to read:**

21 471.385. (1) The Oregon Liquor Control Commission may revoke or suspend a service permit, or
22 impose a civil penalty in lieu of or in addition to suspension as provided by ORS 471.322, if it finds
23 or has reasonable grounds to believe any of the following to be true:

24 (a) That the permittee has made false statements to the commission.

25 (b) That the permittee has been convicted of a felony, of violating any of the liquor laws of the
26 state, general or local, or any misdemeanor or violation of any municipal ordinance committed on
27 the licensed premises.

28 (c) That the permittee has performed or permitted any act which would constitute a violation
29 of any provision of this chapter or any rule of the commission, if the act were performed or per-
30 mitted by any licensee of the commission.

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 **(d) That the permittee was aware of activities the permittee had a duty to report under**
2 **section 2 of this 2017 Act and the permittee did not report.**

3 (2) The issuance, suspension or revocation of a permit under ORS 471.360 to 471.390 does not
4 relieve a licensee from responsibility for any act of an employee on the licensee's premises.

5 (3) When there has been a violation of this chapter or any rule adopted thereunder upon any
6 premises licensed by the commission, the commission may revoke or suspend either the service
7 permit of the employee who violated the law or rule or the license of the licensee upon whose
8 premises the violation occurred, or both the permit and the license.

9 (4) The commission may revoke or suspend any license issued by the commission if the licensee
10 knowingly indorses a person's application for a permit when the person has been refused a permit
11 or has had a permit suspended or revoked, or when the licensee fails to comply with any provision
12 to be performed by the licensee under ORS 471.360 to 471.390.

13 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

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