

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2793**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; and amending ORS 167.008, 809.275 and  
3 809.280.”.

4 Delete lines 4 through 18 and insert:

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

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

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

10 **“(3)(a) Upon conviction under this section, the defendant shall pro-  
11 vide to the court a complete list of licenses, certificates, permits and  
12 registrations that the person holds.**

13 **“(b) A court shall transmit to the issuing entities of licenses, cer-  
14 tificates, permits or registrations listed by the defendant pursuant to  
15 paragraph (a) of this subsection a copy of the final order of the court.**

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

20 **“(d) The Department of Justice may enter into written agreements  
21 with the issuing entities to facilitate the transmittal of the court or-**

1 ders described in paragraph (b) of this subsection.

2 “(e) An issuing entity shall clearly state on application forms for  
3 licenses, certificates, permits or registrations that, by being issued the  
4 license, certificate, permit or registration, the applicant agrees to  
5 comply with the requirements of paragraph (a) of this subsection.

6 “(4)(a) Upon conviction under this section, the court shall revoke  
7 any hunting and angling licenses and tags possessed by or issued to  
8 the defendant.

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

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

15 “(6) As used in this section and section 3 of this 2017 Act, ‘john  
16 school’ means any course, class or program intended to educate and  
17 prevent recidivism of persons who have been arrested, charged or  
18 convicted under this section.

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

21 “SECTION 3. (1) A defendant charged with commercial sexual so-  
22 licitation under ORS 167.008 may enter into a diversion agreement as  
23 described in this section if the defendant:

24 “(a) Has never been convicted under ORS 167.008 or for an equiv-  
25 alent crime in another jurisdiction; and

26 “(b) Has never completed a diversion program under this section  
27 or for an equivalent crime in another jurisdiction.

28 “(2) The diversion agreement must contain:

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

30 “(b) A description of the terms of the diversion as described in

1 subsection (3) of this section; and

2 “(c) An acknowledgement that the defendant must complete a john  
3 school program approved by the court at the defendant’s own expense  
4 in order to obtain a dismissal of the charge.

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

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

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

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

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

14 “(c) If, after 180 days from the date of the stay of criminal pro-  
15 ceedings, the defendant has not completed the john school program  
16 or is unable to provide proof of completion, the court shall terminate  
17 the diversion period and shall enter a judgment of conviction for  
18 commercial sexual solicitation.

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

21 “SECTION 5. (1) Unless the court finds compelling circumstances  
22 not to order suspension of driving privileges, the court in which a  
23 person is convicted of commercial sexual solicitation under ORS  
24 167.008 shall order suspension of the person’s driving privileges.

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

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

28 “809.275. (1) A court shall take immediate possession of any license or  
29 driver permit held by a defendant that is issued by any jurisdiction if the  
30 court orders a suspension or revocation under ORS 165.805, 471.430, 809.120,

1 809.235, 809.240, 809.260, 809.265, 809.270, 811.109 or 811.135 **or section 5 of**  
2 **this 2017 Act.**

3 “(2) Upon taking possession of a license or permit under this section, a  
4 court shall immediately forward to the Department of Transportation the li-  
5 cense or permit and a copy of the suspension or revocation order or other  
6 information satisfactory to the department and to the State Court Adminis-  
7 trator.

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

11 “(4) The department is not required to provide further notice of a sus-  
12 pension or revocation ordered by the court.

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

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

17 “809.280. (1) Upon receipt of a court order under ORS 809.270, the De-  
18 partment of Transportation shall suspend the person’s driving privileges. The  
19 suspension shall remain in effect until the department is notified by the  
20 court that the suspension is ended, except that, if the department is ordered  
21 to automatically reinstate the driving privileges upon the successful com-  
22 pletion of a program, the department shall do so and shall notify the judge  
23 that the person has complied with the order of the judge.

24 “(2) Upon receipt of a court order under ORS 809.120, the department  
25 shall suspend the person’s driving privileges. The suspension shall be for the  
26 period ordered by the court. The court may only order suspension for a pe-  
27 riod not to exceed 90 days.

28 “(3) Upon receipt of a court notice under ORS 809.130 of an unsettled  
29 judgment, the department shall suspend the person’s driving privileges and,  
30 subject to any other requirements of law, reinstate the driving privileges

1 upon appropriate notification from the court under ORS 809.130, except that  
2 the department shall only impose the suspension after the department has  
3 determined that:

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

5 “(b) The judgment has remained unsettled as described in ORS 809.470 for  
6 60 days; and

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

8 “(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the  
9 department shall suspend the person’s driving privileges for an indefinite  
10 period. The department shall reinstate driving privileges that have been  
11 suspended under this subsection upon notification by the court or upon the  
12 elapse of 10 years from the date the traffic offense or violation of ORS  
13 471.430 occurred, whichever comes first. The department may not suspend  
14 any driving privileges under this subsection for a person’s failure to appear  
15 on a parking, pedestrian or bicyclist offense.

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

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

23 “(a) Upon receipt of the first order suspending driving privileges, the de-  
24 partment shall suspend the person’s driving privileges for one year, or until  
25 the person reaches 17 years of age, whichever is longer.

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

29 “(7) If the department receives notice from a court that it has withdrawn  
30 an order issued under ORS 809.260, the department shall immediately rein-

1 state any driving privileges that have been suspended under subsection (6)  
2 of this section because of the issuance of the order.

3 “(8) Upon receipt of a court order under ORS 165.805 or 471.430, the de-  
4 partment shall suspend the person’s driving privileges. The suspension shall  
5 be for the period ordered by the court. The court may only order suspension  
6 for a period not to exceed one year.

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

9 “(10) Upon receipt of a court order under ORS 809.235, the department  
10 shall permanently revoke the person’s driving privileges. The revocation  
11 shall remain in effect until the department is notified by a court that the  
12 person’s driving privileges have been ordered restored.

13 “(11) When a court orders suspension of driving privileges under ORS  
14 811.109 (4), the department shall suspend the person’s driving privileges. The  
15 suspension shall be for the period ordered by the court. The court may only  
16 order suspension for a period not to exceed 30 days.

17 “(12) When a court orders suspension of driving privileges under ORS  
18 811.109 (5), the department shall suspend the person’s driving privileges. The  
19 suspension shall be for the period ordered by the court. The court may only  
20 order suspension for not less than 30 days and not more than 90 days.

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

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

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

29 **“(2) The amendments to ORS 167.008 by section 1 of this 2017 Act**  
30 **apply conduct occurring, and to initial licenses, certificates, permits**

1 and registrations issued, on or after the effective date of this 2017  
2 Act.”.

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