

Requested by Senator TAYLOR

**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 Oregon licenses, certificates, per-**
12 **mits and registrations that the person holds.**

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

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

21 **“(d) An Oregon issuing entity shall clearly state on application**

1 forms for Oregon licenses, certificates, permits or registrations that,
2 by being issued the license, certificate, permit or registration, the ap-
3 plicant agrees to comply with the requirements of paragraph (a) of this
4 subsection.

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

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

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

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

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

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

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

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

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

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 agreement as de-

1 scribed in 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 to conduct occurring, and to initial Oregon licenses, certificates,**

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

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