

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2355**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 and 4 and insert “51.050, 131.915, 131.920, 131.925,
3 137.633, 161.570, 161.615, 181A.410, 221.339, 419C.501, 423.478, 423.525, 475.005,
4 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894; and declaring
5 an emergency.”.

6 In line 6, delete “5” and insert “4”.

7 On page 3, line 23, delete “5” and insert “4”.

8 In line 31, delete “July 1, 2020” and insert “December 1, 2019”.

9 On page 4, delete lines 5 through 8 and insert:

10 **“SECTION 5.** ORS 131.925 is amended to read:

11 “131.925. (1)(a) A law enforcement agency shall provide to the Law
12 Enforcement Contacts Policy and Data Review Committee [*a copy of*] **infor-**
13 **mation concerning** each complaint the agency receives alleging
14 profiling,[]

15 “[*(b) The law enforcement agency*] **and** shall notify the committee of the
16 disposition of the complaint, **in the manner described in this**
17 **subsection.**

18 **“(b) The law enforcement agency shall submit to the committee a**
19 **profiling complaint report form summarizing each profiling complaint**
20 **and the disposition of the complaint, and a copy of each profiling**
21 **complaint, once each year no later than January 31.**

1 “(c) The law enforcement agency shall submit the form described
2 in paragraph (b) of this subsection even if the agency has not received
3 any profiling complaints.

4 “(d) The profiling complaint report form and copies of profiling
5 complaints submitted to the committee may not include personal in-
6 formation concerning the complainant or a law enforcement officer
7 except as to any personal information recorded on the form as de-
8 scribed in subsection (4)(c) of this section.

9 “(2)(a) A person may submit to the committee a complaint alleging pro-
10 filing and the committee shall receive the complaints.

11 “(b) The committee also shall receive complaints alleging profiling that
12 are forwarded from a law enforcement agency.

13 “(c) The committee shall forward a copy of each profiling complaint the
14 committee receives to the law enforcement agency employing the officer that
15 is the subject of the complaint. The forwarded complaint must include the
16 name of the complainant unless the complainant requests to remain anony-
17 mous, in which case the complainant’s name must be redacted.

18 “(3)(a) The committee [*shall*] **may** not release any personal information
19 concerning a complainant or a law enforcement officer who is the subject
20 of a profiling complaint.

21 “(b) The personal information of complainants and of law enforcement
22 officers who are the subject of profiling complaints are exempt from public
23 disclosure under ORS 192.502.

24 “[(c) *As used in this subsection, ‘personal information’ has the meaning*
25 *given that term in ORS 807.750.*]

26 “(4) **The Department of State Police shall develop a standardized**
27 **profiling complaint report form. The form must provide for recording**
28 **the following information:**

29 “(a) **A summary of total complaints and a certification that a law**
30 **enforcement agency’s profiling policy conforms to ORS 131.920;**

1 **“(b) A summary of each complaint received by the law enforcement**
2 **agency, including the date, time and location of the incident and the**
3 **disposition of the complaint; and**

4 **“(c) To the extent known, the complainant’s gender, gender iden-**
5 **tity, age, race, ethnicity, sexual orientation, primary language, na-**
6 **tional origin, religion, political affiliation, homeless status and**
7 **disability status, recorded in a manner that does not identify the**
8 **complainant.**

9 **“(5) As used in this section, ‘personal information’ has the meaning**
10 **given that term in ORS 807.750.”.**

11 On page 8, line 3, delete “(a)”.

12 In line 6, delete “(7)(b)” and insert “(8)”.

13 Delete lines 24 through 34 and insert:

14 “(7) Notwithstanding subsection (3)(a) of this section, unlawful possession
15 of a controlled substance in Schedule I is a Class B felony if:

16 “(a) The person possesses a usable quantity of the controlled substance
17 and:

18 “(A) At the time of the possession, the person has a prior felony con-
19 viction;

20 “(B) At the time of the possession, the person has two or more prior
21 convictions for unlawful possession of a usable quantity of a controlled
22 substance; or

23 “(C) The possession is a commercial drug offense under ORS 475.900 (1)(b);
24 or

25 “(b) The person possesses:

26 “(A) Forty or more user units of a mixture or substance containing a de-
27 tectable amount of lysergic acid diethylamide; or

28 “(B) Twelve grams or more of a mixture or substance containing a de-
29 tectable amount of psilocybin or psilocin.

30 “(8) Notwithstanding subsection (3)(b) of this section, unlawful possession

1 of a controlled substance in Schedule II is a Class C felony if the person
2 possesses a usable quantity of the controlled substance and:

3 “(a) At the time of the possession, the person has a prior felony con-
4 viction;

5 “(b) At the time of the possession, the person has two or more prior
6 convictions for unlawful possession of a usable quantity of a controlled
7 substance; or

8 “(c) The possession is a commercial drug offense under ORS 475.900
9 (1)(b).”.

10 Delete lines 41 and 42 and insert:

11 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
12 session of methadone is a Class C felony if the person possesses a usable
13 quantity of methadone and:

14 “(A) At the time of the possession, the person has a prior felony con-
15 viction;

16 “(B) At the time of the possession, the person has two or more prior
17 convictions for unlawful possession of a usable quantity of a controlled
18 substance; or

19 “(C) The possession is a commercial drug offense under ORS 475.900
20 (1)(b).”.

21 On page 9, delete lines 4 and 5 and insert:

22 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
23 session of oxycodone is a Class C felony if the person possesses a usable
24 quantity of oxycodone and:

25 “(A) At the time of the possession, the person has a prior felony con-
26 viction;

27 “(B) At the time of the possession, the person has two or more prior
28 convictions for unlawful possession of a usable quantity of a controlled
29 substance; or

30 “(C) The possession is a commercial drug offense under ORS 475.900

1 (1)(b).”.

2 Delete lines 9 through 13 and insert:

3 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
4 session of heroin is a Class B felony if:

5 “(A) The person possesses a usable quantity of heroin and:

6 “(i) At the time of the possession, the person has a prior felony con-
7 viction;

8 “(ii) At the time of the possession, the person has two or more prior
9 convictions for unlawful possession of a usable quantity of a controlled
10 substance; or

11 “(iii) The possession is a commercial drug offense under ORS 475.900
12 (1)(b); or

13 “(B) The person possesses one gram or more of a mixture or substance
14 containing a detectable amount of heroin.”.

15 Delete lines 19 through 26 and insert:

16 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
17 session of 3,4-methylenedioxyamphetamine is a Class B felony if:

18 “(A) The person possesses a usable quantity of
19 3,4-methylenedioxyamphetamine and:

20 “(i) At the time of the possession, the person has a prior felony con-
21 viction;

22 “(ii) At the time of the possession, the person has two or more prior
23 convictions for unlawful possession of a usable quantity of a controlled
24 substance; or

25 “(iii) The possession is a commercial drug offense under ORS 475.900
26 (1)(b); or

27 “(B) The person possesses one gram or more or five or more pills, tablets
28 or capsules of a mixture or substance containing a detectable amount of:

29 “(i) 3,4-methylenedioxyamphetamine;

30 “(ii) 3,4-methylenedioxyamphetamine; or

1 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.”

2 Delete lines 33 through 37 and insert:

3 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
4 session of cocaine is a Class C felony if:

5 “(A) The person possesses a usable quantity of cocaine and:

6 “(i) At the time of the possession, the person has a prior felony con-
7 viction;

8 “(ii) At the time of the possession, the person has two or more prior
9 convictions for unlawful possession of a usable quantity of a controlled
10 substance; or

11 “(iii) The possession is a commercial drug offense under ORS 475.900
12 (1)(b); or

13 “(B) The person possesses two grams or more of a mixture or substance
14 containing a detectable amount of cocaine.”.

15 Delete lines 44 and 45 and insert:

16 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
17 session of methamphetamine is a Class C felony if:

18 “(A) The person possesses a usable quantity of methamphetamine and:

19 “(i) At the time of the possession, the person has a prior felony con-
20 viction;

21 “(ii) At the time of the possession, the person has two or more prior
22 convictions for unlawful possession of a usable quantity of a controlled
23 substance; or

24 “(iii) The possession is a commercial drug offense under ORS 475.900
25 (1)(b); or

26 “(B) The person possesses two grams or more of a mixture or substance
27 containing a detectable amount of methamphetamine.”.

28 On page 10, delete lines 1 through 3 and insert:

29 **“SECTION 16.** ORS 475.005 is amended to read:

30 “475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless

1 the context requires otherwise:

2 “(1) ‘Abuse’ means the repetitive excessive use of a drug short of de-
3 pendence, without legal or medical supervision, which may have a detri-
4 mental effect on the individual or society.

5 “(2) ‘Administer’ means the direct application of a controlled substance,
6 whether by injection, inhalation, ingestion or any other means, to the body
7 of a patient or research subject by:

8 “(a) A practitioner or an authorized agent thereof; or

9 “(b) The patient or research subject at the direction of the practitioner.

10 “(3) ‘Administration’ means the Drug Enforcement Administration of the
11 United States Department of Justice, or its successor agency.

12 “(4) ‘Agent’ means an authorized person who acts on behalf of or at the
13 direction of a manufacturer, distributor or dispenser. It does not include a
14 common or contract carrier, public warehouseman or employee of the carrier
15 or warehouseman.

16 “(5) ‘Board’ means the State Board of Pharmacy.

17 “(6) ‘Controlled substance’:

18 “(a) Means a drug or its immediate precursor classified in Schedules I
19 through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812,
20 as modified under ORS 475.035. The use of the term ‘precursor’ in this para-
21 graph does not control and is not controlled by the use of the term
22 ‘precursor’ in ORS 475.752 to 475.980.

23 “(b) Does not mean industrial hemp, as defined in ORS 571.300, or indus-
24 trial hemp commodities or products.

25 “(7) ‘Counterfeit substance’ means a controlled substance or its container
26 or labeling, which, without authorization, bears the trademark, trade name,
27 or other identifying mark, imprint, number or device, or any likeness thereof,
28 of a manufacturer, distributor or dispenser other than the person who in fact
29 manufactured, delivered or dispensed the substance.

30 “(8) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted

1 transfer, other than by administering or dispensing, from one person to an-
2 other of a controlled substance, whether or not there is an agency relation-
3 ship.

4 “(9) ‘Device’ means instruments, apparatus or contrivances, including
5 their components, parts or accessories, intended:

6 “(a) For use in the diagnosis, cure, mitigation, treatment or prevention
7 of disease in humans or animals; or

8 “(b) To affect the structure of any function of the body of humans or
9 animals.

10 “(10) ‘Dispense’ means to deliver a controlled substance to an ultimate
11 user or research subject by or pursuant to the lawful order of a practitioner,
12 and includes the prescribing, administering, packaging, labeling or com-
13 pounding necessary to prepare the substance for that delivery.

14 “(11) ‘Dispenser’ means a practitioner who dispenses.

15 “(12) ‘Distributor’ means a person who delivers.

16 “(13) ‘Drug’ means:

17 “(a) Substances recognized as drugs in the official United States
18 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or
19 official National Formulary, or any supplement to any of them;

20 “(b) Substances intended for use in the diagnosis, cure, mitigation, treat-
21 ment or prevention of disease in humans or animals;

22 “(c) Substances (other than food) intended to affect the structure or any
23 function of the body of humans or animals; and

24 “(d) Substances intended for use as a component of any article specified
25 in paragraph (a), (b) or (c) of this subsection; however, the term does not
26 include devices or their components, parts or accessories.

27 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
28 communication sent or received through technological apparatuses, including
29 computer terminals or other equipment or mechanisms linked by telephone
30 or microwave relays, or any similar apparatus having electrical, digital,

1 magnetic, wireless, optical, electromagnetic or similar capabilities.

2 “(15) ‘Manufacture’ means the production, preparation, propagation, com-
3 pounding, conversion or processing of a controlled substance, either directly
4 or indirectly by extraction from substances of natural origin, or independ-
5 ently by means of chemical synthesis, or by a combination of extraction and
6 chemical synthesis, and includes any packaging or repackaging of the sub-
7 stance or labeling or relabeling of its container, except that this term does
8 not include the preparation or compounding of a controlled substance:

9 “(a) By a practitioner as an incident to administering or dispensing of a
10 controlled substance in the course of professional practice; or

11 “(b) By a practitioner, or by an authorized agent under the practitioner’s
12 supervision, for the purpose of, or as an incident to, research, teaching or
13 chemical analysis and not for sale.

14 “(16) ‘Marijuana’:

15 “(a) Except as provided in this subsection, means all parts of the plant
16 Cannabis family Moraceae, whether growing or not; the resin extracted from
17 any part of the plant; and every compound, manufacture, salt, derivative,
18 mixture, or preparation of the plant or its resin.

19 “(b) Does not mean the mature stalks of the plant, fiber produced from
20 the stalks, oil or cake made from the seeds of the plant, any other compound,
21 manufacture, salt, derivative, mixture, or preparation of the mature stalks
22 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized
23 seed of the plant which is incapable of germination.

24 “(c) Does not mean industrial hemp, as defined in ORS 571.300, or indus-
25 trial hemp commodities or products.

26 “(17) ‘Person’ includes a government subdivision or agency, business trust,
27 estate, trust or any other legal entity.

28 “(18) ‘Practitioner’ means physician, dentist, veterinarian, scientific in-
29 vestigator, certified nurse practitioner, physician assistant or other person
30 licensed, registered or otherwise permitted by law to dispense, conduct re-

1 search with respect to or to administer a controlled substance in the course
2 of professional practice or research in this state but does not include a
3 pharmacist or a pharmacy.

4 “(19) ‘Prescription’ means a written, oral or electronically transmitted
5 direction, given by a practitioner for the preparation and use of a drug.
6 When the context requires, ‘prescription’ also means the drug prepared under
7 such written, oral or electronically transmitted direction. Any label affixed
8 to a drug prepared under written, oral or electronically transmitted direction
9 shall prominently display a warning that the removal thereof is prohibited
10 by law.

11 “(20) ‘Production’ includes the manufacture, planting, cultivation, grow-
12 ing or harvesting of a controlled substance.

13 “(21) ‘Research’ means an activity conducted by the person registered
14 with the federal Drug Enforcement Administration pursuant to a protocol
15 approved by the United States Food and Drug Administration.

16 “(22) ‘Ultimate user’ means a person who lawfully possesses a controlled
17 substance for the use of the person or for the use of a member of the
18 household of the person or for administering to an animal owned by the
19 person or by a member of the household of the person.

20 “(23) ‘Usable quantity’ means an amount of a controlled substance
21 sufficient for consumption and does not include a trace or residue
22 amount.

23 “[23] (24) ‘Within 1,000 feet’ means a straight line measurement in a
24 radius extending for 1,000 feet or less in every direction from a specified lo-
25 cation or from any point on the boundary line of a specified unit of
26 property.”.

27 In line 4, delete “16” and insert “17”.

28 On page 11, after line 4, insert:

29 “**SECTION 18.** ORS 423.525, as amended by section 67, chapter 117,
30 Oregon Laws 2016, is amended to read:

1 “423.525. (1) A county, group of counties or intergovernmental corrections
2 entity shall apply to the Director of the Department of Corrections in a
3 manner and form prescribed by the director for funding made available under
4 ORS 423.500 to 423.560. The application shall include a community cor-
5 rections plan. The Department of Corrections shall provide consultation and
6 technical assistance to counties to aid in the development and implementa-
7 tion of community corrections plans.

8 “(2)(a) From July 1, 1995, until June 30, 1999, a county, group of counties
9 or intergovernmental corrections entity may make application requesting
10 funding for the construction, acquisition, expansion or remodeling of
11 correctional facilities to serve the county, group of counties or intergovern-
12 mental corrections entity. The department shall review the application for
13 funding of correctional facilities in accordance with criteria that consider
14 design, cost, capacity, need, operating efficiency and viability based on the
15 county’s, group of counties’ or intergovernmental corrections entity’s ability
16 to provide for ongoing operations.

17 “(b)(A) If the application is approved, the department shall present the
18 application with a request to finance the facility with financing agreements
19 to the State Treasurer and the Director of the Oregon Department of Ad-
20 ministrative Services. Except as otherwise provided in subparagraph (B) of
21 this paragraph, upon approval of the request by the State Treasurer and the
22 Director of the Oregon Department of Administrative Services, the facility
23 may be financed with financing agreements, and certificates of participation
24 issued pursuant thereto, as provided in ORS 283.085 to 283.092. All decisions
25 approving or denying applications and requests for financing under this
26 section are final. No such decision is subject to judicial review of any kind.

27 “(B) If requests to finance county correctional facility projects are sub-
28 mitted after February 22, 1996, and the requests have not been approved by
29 the department on the date a session of the Legislative Assembly convenes,
30 the requests are also subject to the approval of the Legislative Assembly.

1 “(c) After approval but prior to the solicitation of bids or proposals for
2 the construction of a project, the county, group of counties or intergovern-
3 mental corrections entity and the department shall enter into a written
4 agreement that determines the procedures, and the parties responsible, for
5 the awarding of contracts and the administration of the construction project
6 for the approved correctional facility. If the parties are unable to agree on
7 the terms of the written agreement, the Governor shall decide the terms of
8 the agreement. The Governor’s decision is final.

9 “(d) After approval of a construction project, the administration of the
10 project shall be conducted as provided in the agreement required by para-
11 graph (c) of this subsection. The agreement must require at a minimum that
12 the county, group of counties or intergovernmental corrections entity shall
13 submit to the department any change order or alteration of the design of the
14 project that, singly or in the aggregate, reduces the capacity of the
15 correctional facility or materially changes the services or functions of the
16 project. The change order or alteration is not effective until approved by the
17 department. In reviewing the change order or alteration, the department
18 shall consider whether the implementation of the change order or alteration
19 will have any material adverse impact on the parties to any financing
20 agreements or the holders of any certificates of participation issued to fund
21 county correctional facilities under this section. In making its decision, the
22 department may rely on the opinions of the Department of Justice, bond
23 counsel or professional financial advisers.

24 “(3) Notwithstanding ORS 283.085, for purposes of this section, ‘financing
25 agreement’ means a lease purchase agreement, an installment sale agreement,
26 a loan agreement or any other agreement to finance a correctional facility
27 described in this section, or to refinance a previously executed financing
28 agreement for the financing of a correctional facility. The state is not re-
29 quired to own or operate a correctional facility in order to finance it under
30 ORS 283.085 to 283.092 and this section. The state, an intergovernmental

1 corrections entity, county or group of counties may enter into any agree-
2 ments, including, but not limited to, leases and subleases, that are reasonably
3 necessary or generally accepted by the financial community for purposes of
4 acquiring or securing financing as authorized by this section. In financing
5 county correctional facilities under this section, 'property rights' as used in
6 ORS 283.085 includes leasehold mortgages of the state's rights under leases
7 of correctional facilities from counties.

8 “(4) Notwithstanding any other provision of state law, county charter or
9 ordinance, a county may convey or lease to the State of Oregon, acting by
10 and through the Department of Corrections, title to interests in, or a lease
11 of, any real property, facilities or personal property owned by the county for
12 the purpose of financing the construction, acquisition, expansion or remodel-
13 eling of a correctional facility. Upon the payment of all principal and inter-
14 est on, or upon any other satisfaction of, the financing agreement used to
15 finance the construction, acquisition, expansion or remodeling of a
16 correctional facility, the state shall reconvey its interest in, or terminate and
17 surrender its leasehold of, the property or facilities, including the financed
18 construction, acquisition, expansion or remodeling, to the county. In addi-
19 tion to any authority granted by ORS 283.089, for the purposes of obtaining
20 financing, the state may enter into agreements under which the state may
21 grant to trustees or lenders leases, subleases and other security interests in
22 county property conveyed or leased to the state under this subsection and
23 in the property or facilities financed by financing agreements.

24 “(5) In connection with the financing of correctional facilities, the Di-
25 rector of the Oregon Department of Administrative Services may bill the
26 Department of Corrections, and the Department of Corrections shall pay the
27 amounts billed, in the same manner as provided in ORS 283.089. As required
28 by ORS 283.091, the Department of Corrections and the Oregon Department
29 of Administrative Services shall include in the Governor's budget all
30 amounts that will be due in each fiscal period under financing agreements

1 for correctional facilities. Amounts payable by the state under a financing
2 agreement for the construction, acquisition, expansion or remodeling of a
3 correctional facility are limited to available funds as defined in ORS 283.085,
4 and no lender, trustee, certificate holder or county has any claim or recourse
5 against any funds of the state other than available funds.

6 “(6) The director shall adopt rules that may be necessary for the admin-
7 istration, evaluation and implementation of ORS 423.500 to 423.560. The
8 standards shall be sufficiently flexible to foster the development of new and
9 improved supervision or rehabilitative practices and maximize local control.

10 “(7) When a county assumes responsibility under ORS 423.500 to 423.560
11 for correctional services previously provided by the department, the county
12 and the department shall enter into an intergovernmental agreement that
13 includes a local community corrections plan consisting of program de-
14 scriptions, budget allocation, performance objectives and methods of evalu-
15 ating each correctional service to be provided by the county. The
16 performance objectives must include in dominant part reducing future crim-
17 inal conduct. The methods of evaluating services must include, to the extent
18 of available information systems resources, the collection and analysis of
19 data sufficient to determine the apparent effect of the services on future
20 criminal conduct.

21 “(8) All community corrections plans shall comply with rules adopted
22 pursuant to ORS 423.500 to 423.560, and shall include but need not be limited
23 to an outline of the basic structure and the supervision, services and local
24 sanctions to be applied to offenders convicted of felonies **and designated**
25 **drug-related misdemeanors** who are:

26 “(a) On parole;

27 “(b) On probation;

28 “(c) On post-prison supervision;

29 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-
30 ceration;

1 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board
2 of Parole and Post-Prison Supervision to 12 months or less incarceration for
3 a violation of a condition of parole, probation or post-prison supervision; and

4 “(f) On conditional release under ORS 420A.206.

5 “(9) All community corrections plans shall designate a community cor-
6 rections manager of the county or counties and shall provide that the ad-
7 ministration of community corrections under ORS 423.500 to 423.560 shall be
8 under such manager.

9 “(10) No amendment to or modification of a county-approved community
10 corrections plan shall be placed in effect without prior notice to the director
11 for purposes of statewide data collection and reporting.

12 “(11) The obligation of the state to provide funding and the scheduling for
13 providing funding of a project approved under this section is dependent upon
14 the ability of the state to access public security markets to sell financing
15 agreements.

16 “(12) No later than January 1 of each odd-numbered year, the Department
17 of Corrections shall:

18 “(a) Evaluate the community corrections policy established in ORS
19 423.475, 423.478, 423.483 and 423.500 to 423.560; and

20 “(b) Assess the effectiveness of local revocation options.

21 “(13) **As used in this section, ‘designated drug-related**
22 **misdemeanor’ has the meaning given that term in ORS 423.478.**

23 “**SECTION 19.** ORS 137.633 is amended to read:

24 “137.633. (1) A person convicted of a felony **or a designated drug-related**
25 **misdemeanor** and sentenced to probation or to the legal and physical cus-
26 tody of the supervisory authority under ORS 137.124 (2) is eligible for a re-
27 duction in the period of probation or local control post-prison supervision for
28 complying with terms of probation or post-prison supervision, including the
29 payment of restitution and participation in recidivism reduction programs.

30 “(2) The maximum reduction under this section may not exceed 50 percent

1 of the period of probation or local control post-prison supervision imposed.

2 “(3) A reduction under this section may not be used to shorten the period
3 of probation or local control post-prison supervision to less than six months.

4 “(4)(a) The Department of Corrections shall adopt rules to carry out the
5 provisions of this section.

6 “(b) The supervisory authority shall comply with the rules adopted under
7 this section.

8 “(5) As used in this section[,]:

9 “(a) **‘Designated drug-related misdemeanor’ has the meaning given**
10 **that term in ORS 423.478.**

11 “(b) **‘Local control post-prison supervision’** means post-prison supervision
12 that is supervised by a local supervisory authority pursuant to ORS 144.101.

13 **“SECTION 20.** ORS 51.050 is amended to read:

14 “51.050. (1) Except as otherwise provided in this section, in addition to
15 the criminal jurisdiction of justice courts already conferred upon and exer-
16 cised by them, justice courts have jurisdiction of all offenses committed or
17 triable in their respective counties. The jurisdiction conveyed by this section
18 is concurrent with any jurisdiction that may be exercised by a circuit court
19 or municipal court.

20 “(2) In any justice court that has not become a court of record under ORS
21 51.025, a defendant charged with a misdemeanor shall be notified immediately
22 after entering a plea of not guilty of the right of the defendant to have the
23 matter transferred to the circuit court for the county where the justice court
24 is located. The election shall be made within 10 days after the plea of not
25 guilty is entered, and the justice shall immediately transfer the case to the
26 appropriate court.

27 “(3) A justice court does not have jurisdiction over the trial of any felony
28 **or a designated drug-related misdemeanor as defined in ORS 423.478.**
29 Except as provided in ORS 51.037, a justice court does not have jurisdiction
30 over offenses created by the charter or ordinance of any city.

1 **“SECTION 21.** ORS 221.339 is amended to read:

2 “221.339. (1) A municipal court has concurrent jurisdiction with circuit
3 courts and justice courts over all violations committed or triable in the city
4 where the court is located.

5 “(2) Except as provided in subsections (3) and (4) of this section, munici-
6 pal courts have concurrent jurisdiction with circuit courts and justice courts
7 over misdemeanors committed or triable in the city. Municipal courts may
8 exercise the jurisdiction conveyed by this section without a charter provision
9 or ordinance authorizing that exercise.

10 “(3) Municipal courts have no jurisdiction over felonies **or designated**
11 **drug-related misdemeanors as defined in ORS 423.478.**

12 “(4) A city may limit the exercise of jurisdiction over misdemeanors by
13 a municipal court under this section by the adoption of a charter provision
14 or ordinance, except that municipal courts must retain concurrent jurisdic-
15 tion with circuit courts over:

16 “(a) Misdemeanors created by the city’s own charter or by ordinances
17 adopted by the city, as provided in ORS 3.132; and

18 “(b) Traffic crimes as defined by ORS 801.545.

19 “(5) Subject to the powers and duties of the Attorney General under ORS
20 180.060, the city attorney has authority to prosecute a violation of any of-
21 fense created by statute that is subject to the jurisdiction of a municipal
22 court, including any appeal, if the offense is committed or triable in the city.
23 The prosecution shall be in the name of the state. The city attorney shall
24 have all powers of a district attorney in prosecutions under this subsection.

25 **“SECTION 22.** ORS 161.615 is amended to read:

26 “161.615. Sentences for misdemeanors shall be for a definite term. The
27 court shall fix the term of imprisonment within the following maximum
28 limitations:

29 “(1) For a Class A misdemeanor, [*1 year*] **364 days.**

30 “(2) For a Class B misdemeanor, 6 months.

1 “(3) For a Class C misdemeanor, 30 days.

2 “(4) For an unclassified misdemeanor, as provided in the statute defining
3 the crime.

4 **“SECTION 23.** ORS 419C.501 is amended to read:

5 “419C.501. (1) The court shall fix the duration of any disposition made
6 pursuant to this chapter and the duration may be for an indefinite period.
7 Any placement in the legal custody of the Department of Human Services
8 or the Oregon Youth Authority under ORS 419C.478 or placement under the
9 jurisdiction of the Psychiatric Security Review Board under ORS 419C.529
10 shall be for an indefinite period. However, the period of institutionalization
11 or commitment may not exceed:

12 “(a) The period of time specified in the statute defining the crime for an
13 act that would constitute an unclassified misdemeanor if committed by an
14 adult;

15 “(b) Thirty days for an act that would constitute a Class C misdemeanor
16 if committed by an adult;

17 “(c) Six months for an act that would constitute a Class B misdemeanor
18 if committed by an adult;

19 “(d) [*One year*] **Three hundred sixty-four days** for an act that would
20 constitute a Class A misdemeanor if committed by an adult;

21 “(e) Five years for an act that would constitute a Class C felony if com-
22 mitted by an adult;

23 “(f) Ten years for an act that would constitute a Class B felony if com-
24 mitted by an adult;

25 “(g) Twenty years for an act that would constitute a Class A felony if
26 committed by an adult; and

27 “(h) Life for a young person who was found to have committed an act
28 that, if committed by an adult would constitute murder or any aggravated
29 form of murder under ORS 163.095 or 163.115.

30 “(2) Except as provided in subsection (1)(h) of this section, the period of

1 any disposition may not extend beyond the date on which the young person
2 or youth offender becomes 25 years of age.

3 **“SECTION 24. The Oregon Criminal Justice Commission shall study**
4 **the effect that the reduction of certain unlawful possession of a con-**
5 **trolled substance offenses from a felony to a misdemeanor has had on**
6 **the criminal justice system, rates of recidivism and the composition**
7 **of the population of persons convicted of felony offenses. The com-**
8 **mission shall submit a report detailing the results of the study to the**
9 **interim committees of the Legislative Assembly related to the judici-**
10 **ary in the manner provided by ORS 192.245 no later than September**
11 **15, 2018.”.**

12 In line 5, delete “17” and insert “25”.

13 In line 9, delete “(a)”.

14 In line 12, delete “(a)”.

15 In line 15, delete “(a)”.

16 In line 18, delete “(a)”.

17 After line 29, insert:

18 **“SECTION 26. (1) The amendments to ORS 475.752, 475.824, 475.834,**
19 **475.854, 475.874, 475.884, 475.894 and 475.005 by sections 9 to 16 of this**
20 **2017 Act apply to unlawful possession of a controlled substance of-**
21 **enses committed on or after the effective date of this 2017 Act.**

22 **“(2) The amendments to ORS 161.615 by section 22 of this 2017 Act**
23 **apply to sentences imposed on or after the effective date of this 2017**
24 **Act.**

25 **“(3) The amendments to ORS 419C.501 by section 23 of this 2017 Act**
26 **apply to findings that a youth offender is within the jurisdiction of the**
27 **court under ORS 419C.005 that are made on or after the effective date**
28 **of this 2017 Act.”.**

29 In line 30, delete “18” and insert “27”.

30