

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1538**

1 On page 1 of the printed bill, line 3, delete “305.385,” and delete “807.060,
2 807.065.”.

3 In line 6, delete “807.066,” and delete “809.320.”.

4 On page 8, line 10, restore “165.805 or”.

5 On page 12, line 43, delete “807.066,” and delete “, 809.320”.

6 On page 13, delete lines 28 through 45 and delete page 14.

7 On page 15, delete lines 1 through 20 and insert:

8 **“SECTION 19.** ORS 165.805 is amended to read:

9 “165.805. (1) A person commits the crime of misrepresentation of age by
10 a minor if:

11 “(a) Being less than a certain, specified age, the person knowingly pur-
12 ports to be of any age other than the true age of the person with the intent
13 of securing a right, benefit or privilege which by law is denied to persons
14 under that certain, specified age; or

15 “(b) Being unmarried, the person knowingly represents that the person is
16 married with the intent of securing a right, benefit or privilege which by law
17 is denied to unmarried persons.

18 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.

19 “(3)(a) In addition to and not in lieu of any other penalty established by
20 law, **if** a person [*who*], using a driver permit or license or other identification
21 issued by the Department of Transportation of this state or its equivalent in

1 another state, commits the crime of misrepresentation of age by a minor in
2 order to purchase or consume alcoholic liquor:

3 **“(A) The person** may be required to perform community service; and

4 **“(B) The court** [*shall*] **may** order that the person’s driving privileges and
5 right to apply for driving privileges be suspended for a period not to exceed
6 one year[.] **upon:**

7 **“(i) The person’s second or subsequent conviction or adjudication**
8 **for an offense described in this paragraph;**

9 **“(ii) The person’s first conviction or adjudication if the person has**
10 **previously entered into a formal accountability agreement under ORS**
11 **419C.230 for an offense described in this paragraph; or**

12 **“(iii) The person’s first conviction or adjudication if the offense in-**
13 **volved the operation of a motor vehicle.**

14 **“(b) If a court has issued an order suspending driving privileges under**
15 **this section, the court, upon petition of the person, may withdraw the order**
16 **at any time the court deems appropriate. The court notification to the de-**
17 **partment under this subsection may include a recommendation that the per-**
18 **son be granted a hardship permit under ORS 807.240 if the person is**
19 **otherwise eligible for the permit.**

20 **“(4) The prohibitions of this section do not apply to any person acting**
21 **under the direction of the Oregon Liquor Control Commission or a regula-**
22 **tory specialist or under the direction of state or local law enforcement**
23 **agencies for the purpose of investigating possible violations of laws prohib-**
24 **iting sales of alcoholic beverages to persons who are under a certain, speci-**
25 **fied age.**

26 **“(5) The prohibitions of this section do not apply to a person under the**
27 **age of 21 years who is acting under the direction of a licensee for the pur-**
28 **pose of investigating possible violations by employees of the licensee of laws**
29 **prohibiting sales of alcoholic beverages to persons who are under the age**
30 **of 21 years.**

1 “**NOTE:** Section 20 was deleted by amendment. Subsequent sections were
2 not renumbered.”.

3 On page 16, delete lines 15 through 45.

4 On page 17, delete lines 1 through 39 and insert:

5 “**NOTE:** Sections 23 and 24 were deleted by amendment. Subsequent
6 sections were not renumbered.”.

7 On page 18, delete lines 1 through 27 and insert:

8 “**SECTION 26.** ORS 809.260 is amended to read:

9 “809.260. (1) Whenever a person who is 17 years of age or younger, but
10 not younger than 13 years of age, **at the time of committing any offense**
11 **described in subsection (2) of this section**, is [*convicted of any offense*
12 *described in this subsection or*] determined by a juvenile court to have com-
13 mitted one of the [*described*] offenses **described in subsection (2) of this**
14 **section**, the court [*shall*] **may** order suspension of the person’s driving
15 privileges[.] **upon:**

16 “(a) **The person’s second or subsequent adjudication for an offense**
17 **described in subsection (2) of this section;**

18 “(b) **The person’s first adjudication if the person has previously**
19 **entered into a formal accountability agreement under ORS 419C.230 for**
20 **an offense described in subsection (2) of this section; or**

21 “(c) **The person’s first adjudication if the offense involved the op-**
22 **eration of a motor vehicle.**

23 “(2) [*This*] **Subsection (1) of this section** applies [*to ORS 166.370,*
24 *475B.341, 475B.346 and 475B.349 and*] to any offense involving the delivery,
25 manufacture or possession of controlled substances, **or any offense de-**
26 **scribed in ORS 475B.341, 475B.346 or 475B.349.**

27 “[(2)] (3) Whenever a person who is 20 years of age or younger, but not
28 younger than 13 years of age, at the time of committing any offense described
29 in [*this*] **subsection (4) of this section**, is convicted or determined by a ju-
30 venile court to have committed one of the [*described*] offenses **described in**

1 **subsection (4) of this section**, the court [*shall*] **may** order suspension of
2 the person’s driving privileges **upon**:

3 **“(a) The person’s second or subsequent conviction or adjudication**
4 **for an offense described in subsection (4) of this section;**

5 **“(b) The person’s first conviction or adjudication if the person has**
6 **previously entered into a formal accountability agreement under ORS**
7 **419C.230 for an offense described in subsection (4) of this section; or**

8 **“(c) The person’s first conviction or adjudication if the offense in-**
9 **volved the operation of a motor vehicle.**

10 **“(4) [This] Subsection (3) of this section** applies to any offense involving
11 the possession, use or abuse of alcohol or cannabis.

12 **“[(3)] (5)** If a court has issued an order suspending driving privileges un-
13 der this section, the court, upon petition of the person, may review the order
14 and may withdraw the order at any time the court deems appropriate except
15 as provided in the following:

16 **“(a)** A court may not withdraw an order for a period of 90 days following
17 the issuance of the order if it is the first such order issued with respect to
18 the person.

19 **“(b)** A court may not withdraw an order for a period of one year following
20 the issuance of the order if it is the second or subsequent such order issued
21 with respect to the person.

22 **“(c)** Notwithstanding paragraph (a) of this subsection, a court may not
23 withdraw an order for a period of six months if the order is based on a de-
24 termination or conviction involving controlled substances.

25 **“[(4)] (6)** Upon receipt of an order under this section, the department shall
26 take action as directed under ORS 809.280.”.

27 In line 31, restore “165.805,”.

28 On page 19, line 35, restore “165.805 or”.

29 On page 26, line 27, delete “305.385,”.

30 In line 28, delete “807.060, 807.065,”.

1 In line 30, delete "807.066," and delete ", 809.320".

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