

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1538**

1 On page 13 of the printed A-engrossed bill, delete lines 30 through 45.

2 On page 14, delete lines 1 through 19 and insert:

3 **SECTION 19.** ORS 165.805 is amended to read:

4 “165.805. (1) A person commits the crime of misrepresentation of age by  
5 a minor if:

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

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

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

14 “(3) In addition to and not in lieu of any other penalty established by law,  
15 a person who, using a driver permit or license or other identification issued  
16 by the Department of Transportation of this state or its equivalent in an-  
17 other state, commits the crime of misrepresentation of age by a minor in  
18 order to purchase or consume alcoholic liquor **or cannabis** may be required  
19 to perform community service and the court [*shall*] **may** order that the  
20 person’s driving privileges and right to apply for driving privileges be sus-  
21 pended for a period not to exceed one year. If a court has issued an order

1 suspending driving privileges under this section, the court, upon petition of  
2 the person, may withdraw the order at any time the court deems appropriate.  
3 The court notification to the department under this subsection may include  
4 a recommendation that the person be granted a hardship permit under ORS  
5 807.240 if the person is otherwise eligible for the permit.

6 “(4) The prohibitions of this section do not apply to any person acting  
7 under the direction of the Oregon Liquor Control Commission or a regula-  
8 tory specialist or under the direction of state or local law enforcement  
9 agencies for the purpose of investigating possible violations of laws prohib-  
10 iting sales of alcoholic beverages **or marijuana items, as defined in ORS**  
11 **475B.015**, to persons who are under a certain, specified age.

12 “(5) The prohibitions of this section do not apply to a person under the  
13 age of 21 years who is acting under the direction of a licensee for the pur-  
14 pose of investigating possible violations by employees of the licensee of laws  
15 prohibiting sales of alcoholic beverages **or marijuana items, as defined in**  
16 **ORS 475B.015**, to persons who are under the age of 21 years.”.

17 On page 15, delete lines 23 through 45.

18 On page 16, delete lines 1 through 19 and insert:

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

20 “809.260. (1) Whenever a person who is 17 years of age or younger, but  
21 not younger than 13 years of age, is convicted of any offense described in  
22 this subsection or determined by a juvenile court to have committed one of  
23 the described offenses, the court [*shall*] **may** order suspension of the person’s  
24 driving privileges. This subsection applies to ORS 166.370, 475B.341, 475B.346  
25 and 475B.349 and to any offense involving the delivery, manufacture or pos-  
26 session of controlled substances.

27 “(2) 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, is convicted or determined by a juvenile court to have  
30 committed one of the described offenses, the court [*shall*] **may** order sus-

1 pension of the person's driving privileges. This subsection applies to any of-  
2 fense involving the possession, use or abuse of alcohol or cannabis.

3 “(3) If a court has issued an order suspending driving privileges under  
4 this section, the court, upon petition of the person, may review the order and  
5 may withdraw the order at any time the court deems appropriate except as  
6 provided in the following:

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

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

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

16 “(4) Upon receipt of an order under this section, the department shall  
17 take action as directed under ORS 809.280.”.

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