

D R A F T

SUMMARY

Provides that person sentenced to mandatory minimum sentence under Ballot Measure 11 (1994) for crime other than murder is eligible for reduction in sentence for appropriate institutional behavior and participation in certain programming unless otherwise ordered by court for substantial and compelling reasons.

Creates procedure by which sentencing court may enter supplemental judgment authorizing persons currently serving sentences under Ballot Measure 11 (1994) to be eligible for reduction in sentence for appropriate institutional behavior and participation in certain programming.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to sentencing; creating new provisions; amending ORS 137.700,
3 137.707 and 421.121; prescribing an effective date; and providing for crim-
4 inal sentence reduction that requires approval by a two-thirds majority.

5 **Be It Enacted by the People of the State of Oregon:**

6 7 **REDUCTIONS AUTHORIZED FOR MEASURE 11 SENTENCES**

8
9 **SECTION 1.** ORS 137.700 is amended to read:

10 137.700. (1)(a) Notwithstanding ORS 161.605, when a person is convicted
11 of one of the offenses listed in subsection (2)(a)(A) **or (B)** of this section and
12 the offense was committed on or after April 1, 1995, [*or of one of the offenses*
13 *listed in subsection (2)(b) of this section and the offense was committed on or*
14 *after October 4, 1997, or of the offense described in subsection (2)(c) of this*
15 *section and the offense was committed on or after January 1, 2008,*] the court

1 shall impose, and the person shall serve, at least the entire term of
 2 imprisonment listed in subsection (2)(a)(A) or (B) of this section. The person
 3 is not, during the service of the term of imprisonment, eligible for release
 4 on post-prison supervision or any form of temporary leave from custody. The
 5 person is not eligible for any reduction in[, or based on,] the minimum sen-
 6 tence for any reason whatsoever under ORS 421.121 or any other statute. The
 7 court may impose a greater sentence if otherwise permitted by law, but may
 8 not impose a lower sentence than the sentence specified in subsection
 9 (2)(a)(A) or (B) of this section.

10 **(b) Notwithstanding ORS 161.605, when a person is convicted of one**
 11 **of the offenses listed in subsection (2)(a)(C) to (S) of this section and**
 12 **the offense was committed on or after April 1, 1995, or of one of the**
 13 **offenses listed in subsection (2)(b) of this section and the offense was**
 14 **committed on or after October 4, 1997, or of the offense described in**
 15 **subsection (2)(c) of this section and the offense was committed on or**
 16 **after January 1, 2008, the court shall impose, and the person shall**
 17 **serve, at least the entire term of imprisonment listed in subsection**
 18 **(2)(a)(C) to (S), (b) or (c) of this section. The person is not, during the**
 19 **service of the term of imprisonment, eligible for release on post-prison**
 20 **supervision or any form of temporary leave from custody. Unless the**
 21 **court orders otherwise under ORS 137.750, the person is eligible for a**
 22 **reduction in the minimum sentence under ORS 421.121, but is not eli-**
 23 **gible for a sentence reduction under any other statute. The court may**
 24 **impose a greater sentence if otherwise permitted by law, but may not**
 25 **impose a lower sentence than the sentence specified in subsection**
 26 **(2)(a)(C) to (S), (b) or (c) of this section.**

27 (2) The offenses to which subsection (1) of this section applies and the
 28 applicable mandatory minimum sentences are:

29

30 (a)(A) Murder in the second
 31 degree, as defined in

- 1 ORS 163.115.....300 months
- 2 (B) Murder in the first
- 3 degree, as defined
- 4 in ORS 163.107.....360 months
- 5 (C) Attempt or conspiracy
- 6 to commit aggravated
- 7 murder, as defined
- 8 in ORS 163.095.....120 months
- 9 (D) Attempt or conspiracy
- 10 to commit murder
- 11 in any degree.90 months
- 12 (E) Manslaughter in the
- 13 first degree, as defined
- 14 in ORS 163.118.....120 months
- 15 (F) Manslaughter in the
- 16 second degree, as defined
- 17 in ORS 163.125.....75 months
- 18 (G) Assault in the first
- 19 degree, as defined in
- 20 ORS 163.185.....90 months
- 21 (H) Assault in the second
- 22 degree, as defined in
- 23 ORS 163.175.....70 months
- 24 (I) Except as provided in
- 25 paragraph (b)(G) of
- 26 this subsection,
- 27 kidnapping in the first
- 28 degree, as defined
- 29 in ORS 163.235.....90 months
- 30 (J) Kidnapping in the second
- 31 degree, as defined in

- 1 ORS 163.225.....70 months
- 2 (K) Rape in the first degree,
- 3 as defined in ORS 163.375
- 4 (1)(a), (c) or (d).....100 months
- 5 (L) Rape in the second degree,
- 6 as defined in
- 7 ORS 163.365.....75 months
- 8 (M) Sodomy in the first degree,
- 9 as defined in ORS 163.405
- 10 (1)(a), (c) or (d).....100 months
- 11 (N) Sodomy in the second
- 12 degree, as defined in
- 13 ORS 163.395.....75 months
- 14 (O) Unlawful sexual penetration
- 15 in the first degree, as
- 16 defined in ORS 163.411
- 17 (1)(a) or (c).....100 months
- 18 (P) Unlawful sexual penetration
- 19 in the second degree, as
- 20 defined in ORS 163.408.75 months
- 21 (Q) Sexual abuse in the first
- 22 degree, as defined in
- 23 ORS 163.427.....75 months
- 24 (R) Robbery in the first degree,
- 25 as defined in
- 26 ORS 164.415.....90 months
- 27 (S) Robbery in the second
- 28 degree, as defined in
- 29 ORS 164.405.....70 months
- 30 (b)(A) Arson in the first degree,
- 31 as defined in ORS 164.325,

1 when the offense represented
2 a threat of serious
3 physical injury.90 months
4 (B) Using a child in a display
5 of sexually explicit
6 conduct, as defined in
7 ORS 163.670.70 months
8 (C) Compelling prostitution,
9 as defined in
10 ORS 167.017.70 months
11 (D) Rape in the first degree,
12 as defined in
13 ORS 163.375 (1)(b).300 months
14 (E) Sodomy in the first degree,
15 as defined in
16 ORS 163.405 (1)(b).300 months
17 (F) Unlawful sexual penetration
18 in the first degree, as
19 defined in
20 ORS 163.411 (1)(b).300 months
21 (G) Kidnapping in the first
22 degree, as defined in
23 ORS 163.235, when the
24 offense is committed in
25 furtherance of the commission
26 or attempted commission of an
27 offense listed in subparagraph
28 (D), (E) or (F) of
29 this paragraph.300 months
30 (c) Aggravated vehicular
31 homicide, as defined in

1 ORS 163.149.....240 months

2
3 **SECTION 2.** ORS 137.707 is amended to read:

4 137.707. (1)(a) When a person waived under ORS 419C.349 (1)(a) is con-
5 victed of an offense listed in subsection (4)(a)(A) or (B) of this section, the
6 court shall impose at least the presumptive term of imprisonment provided
7 for the offense in subsection (4)(a)(A) or (B) of this section. The court may
8 impose a greater presumptive term if otherwise permitted by law, but may
9 not impose a lesser term. The person is not, during the service of the term
10 of imprisonment, eligible for release on post-prison supervision or any form
11 of temporary leave from custody. The person is not eligible for any reduction
12 in the minimum sentence for any reason under ORS 421.121 or any other
13 provision of law. The person is eligible for a hearing and conditional release
14 under ORS 420A.203 and 420A.206.

15 **(b) When a person waived under ORS 419C.349 (1)(a) is convicted of**
16 **an offense listed in subsection (4)(a)(C) to (S), (b) or (c) of this section,**
17 **the court shall impose at least the presumptive term of imprisonment**
18 **provided for the offense in subsection (4)(a)(C) to (S), (b) or (c) of this**
19 **section. The court may impose a greater presumptive term if other-**
20 **wise permitted by law, but may not impose a lesser term. The person**
21 **is not, during the service of the term of imprisonment, eligible for**
22 **release on post-prison supervision or any form of temporary leave**
23 **from custody. Unless the court orders otherwise under ORS 137.750,**
24 **the person is eligible for a reduction in the minimum sentence under**
25 **ORS 421.121 but is not eligible for a sentence reduction under any**
26 **other statute. The person is eligible for a hearing and conditional re-**
27 **lease under ORS 420A.203 and 420A.206.**

28 (2) ORS 138.052, 163.105 and 163.150 apply to sentencing a person prose-
29 cuted under this section and convicted of aggravated murder under ORS
30 163.095 except that a person who was under 18 years of age at the time the
31 offense was committed is not subject to a sentence of death or life

1 imprisonment without the possibility of release or parole.

2 (3) The court shall commit the person to the legal and physical custody
3 of the Department of Corrections.

4 (4) The offenses to which this section applies and the presumptive sen-
5 tences are:

6 _____

7 (a)(A) Murder in the second degree, as defined in

8 ORS 163.115.....300 months

9 (B) Murder in the first

10 degree, as defined

11 in ORS 163.107.....360 months

12 (C) Attempt or conspiracy

13 to commit aggravated

14 murder, as defined

15 in ORS 163.095.....120 months

16 (D) Attempt or conspiracy

17 to commit murder

18 in any degree.....90 months

19 (E) Manslaughter in the

20 first degree, as defined

21 in ORS 163.118.....120 months

22 (F) Manslaughter in the

23 second degree, as defined

24 in ORS 163.125.....75 months

25 (G) Assault in the first

26 degree, as defined

27 in ORS 163.185.....90 months

28 (H) Assault in the second

29 degree, as defined

30 in ORS 163.175.....70 months

31 (I) Kidnapping in the first

- 1 degree, as defined in
- 2 ORS 163.235.....90 months
- 3 (J) Kidnapping in the second
- 4 degree, as defined in
- 5 ORS 163.225.....70 months
- 6 (K) Rape in the first degree,
- 7 as defined in ORS 163.375....100 months
- 8 (L) Rape in the second
- 9 degree, as defined in
- 10 ORS 163.365.....75 months
- 11 (M) Sodomy in the first
- 12 degree, as defined in
- 13 ORS 163.405.....100 months
- 14 (N) Sodomy in the second
- 15 degree, as defined in
- 16 ORS 163.395.....75 months
- 17 (O) Unlawful sexual
- 18 penetration in the first
- 19 degree, as defined
- 20 in ORS 163.411.....100 months
- 21 (P) Unlawful sexual
- 22 penetration in the
- 23 second degree, as
- 24 defined in ORS 163.408.75 months
- 25 (Q) Sexual abuse in the first
- 26 degree, as defined in
- 27 ORS 163.427.....75 months
- 28 (R) Robbery in the first
- 29 degree, as defined in
- 30 ORS 164.415.....90 months
- 31 (S) Robbery in the second

- 1 degree, as defined in
- 2 ORS 164.405.....70 months
- 3 (b)(A) Arson in the first degree,
- 4 as defined in
- 5 ORS 164.325, when
- 6 the offense represented
- 7 a threat of serious
- 8 physical injury.90 months
- 9 (B) Using a child in a display
- 10 of sexually explicit
- 11 conduct, as defined in
- 12 ORS 163.670.....70 months
- 13 (C) Compelling prostitution,
- 14 as defined in ORS 167.017
- 15 (1)(a), (b) or (d).....70 months
- 16 (c) Aggravated vehicular
- 17 homicide, as defined in
- 18 ORS 163.149.....240 months

20 (5) If a person charged with an offense under this section is found guilty
 21 of a lesser included offense and the lesser included offense is:

22 (a) An offense listed in subsection (4) of this section, the court shall
 23 sentence the person as provided in subsections (1) and (2) of this section.

24 (b) Not an offense listed in subsection (4) of this section:

25 (A) But constitutes an offense for which waiver is authorized under ORS
 26 419C.349 (1)(b), the court, upon motion of the district attorney, shall hold a
 27 hearing to determine whether to retain jurisdiction or to transfer the case
 28 to juvenile court for disposition. In determining whether to retain jurisdic-
 29 tion, the court shall consider the criteria for waiver in ORS 419C.349. If the
 30 court retains jurisdiction, the court shall sentence the person as an adult
 31 under sentencing guidelines. If the court does not retain jurisdiction, the

1 court shall:

2 (i) Order that a presentence report be prepared;

3 (ii) Set forth in a memorandum any observations and recommendations
4 that the court deems appropriate;

5 (iii) Enter an order transferring the case to the juvenile court for dispo-
6 sition under ORS 419C.067 and 419C.411; and

7 (iv) Enter an order providing that all court records of the case are subject
8 to the same limitations on inspection, copying and disclosure of records, re-
9 ports and materials as those set forth under ORS 419A.255.

10 (B) And is not an offense for which waiver is authorized under ORS
11 419C.349 (1)(b), the court may not sentence the person. The court shall:

12 (i) Order that a presentence report be prepared;

13 (ii) Set forth in a memorandum any observations and recommendations
14 that the court deems appropriate;

15 (iii) Enter an order transferring the case to the juvenile court for dispo-
16 sition under ORS 419C.067 and 419C.411; and

17 (iv) Enter an order providing that all court records of the case are subject
18 to the same limitations on inspection, copying and disclosure of records, re-
19 ports and materials as those set forth under ORS 419A.255.

20 (6) When a person is charged under this section, other offenses based on
21 the same act or transaction shall be charged as separate counts in the same
22 accusatory instrument and consolidated for trial, whether or not the other
23 offenses are aggravated murder or offenses listed in subsection (4) of this
24 section. If it appears, upon motion, that the state or the person charged is
25 prejudiced by the joinder and consolidation of offenses, the court may order
26 an election or separate trials of counts or provide whatever other relief jus-
27 tice requires.

28 (7)(a) If a person charged and tried as provided in subsection (6) of this
29 section is found guilty of aggravated murder or an offense listed in sub-
30 section (4) of this section and one or more other offenses, the court shall
31 impose the sentence for aggravated murder or the offense listed in subsection

1 (4) of this section as provided in subsections (1) and (2) of this section and
2 shall impose sentences for the other offenses as otherwise provided by law.

3 (b) If a person charged and tried as provided in subsection (6) of this
4 section is not found guilty of aggravated murder or an offense listed in
5 subsection (4) of this section, but is found guilty of one of the other charges
6 that constitutes an offense for which waiver is authorized under ORS
7 419C.349 (1)(b), the court, upon motion of the district attorney, shall hold a
8 hearing to determine whether to retain jurisdiction or to transfer the case
9 to juvenile court for disposition. In determining whether to retain jurisdic-
10 tion, the court shall consider the criteria for waiver in ORS 419C.349. If the
11 court retains jurisdiction, the court shall sentence the person as an adult
12 under sentencing guidelines. If the court does not retain jurisdiction, the
13 court shall:

14 (A) Order that a presentence report be prepared;

15 (B) Set forth in a memorandum any observations and recommendations
16 that the court deems appropriate;

17 (C) Enter an order transferring the case to the juvenile court for dispo-
18 sition under ORS 419C.067 and 419C.411; and

19 (D) Enter an order providing that all court records of the case are subject
20 to the same limitations on inspection, copying and disclosure of records, re-
21 ports and materials as those set forth under ORS 419A.255.

22 **SECTION 3.** ORS 421.121 is amended to read:

23 421.121. (1) Except as provided in ORS 137.635, 137.700 (1)(a), 137.707
24 (1)(a), 163.105, 163.107 and 163.115, each adult in custody sentenced to the
25 custody of the Department of Corrections for felonies committed on or after
26 November 1, 1989, is eligible for a reduction in the term of incarceration for:

27 (a) Appropriate institutional behavior, as defined by rule of the Depart-
28 ment of Corrections; and

29 (b) Participation in the adult basic skills development program described
30 in ORS 421.084.

31 (2) The maximum amount of time credits earned for appropriate institu-

1 tional behavior or for participation in the adult basic skills development
2 program described in ORS 421.084 may not exceed 20 percent of the total
3 term of incarceration in a Department of Corrections institution.

4 (3) The time credits may not be used to shorten the term of actual prison
5 confinement to less than six months.

6 (4) The department shall adopt rules pursuant to the rulemaking pro-
7 visions of ORS chapter 183 to establish a process for granting, retracting and
8 restoring the time credits earned by the offender as allowed in subsections
9 (1) to (3) of this section.

10
11 **PROCEDURE FOR PERSONS CURRENTLY IN CUSTODY**

12
13 **SECTION 4. (1)(a) Except as provided in paragraph (b) of this sub-**
14 **section, if the court enters the supplemental judgment described in**
15 **subsection (5)(b) or (7)(b) of this section, the amendments to ORS**
16 **137.700, 137.707 and 421.121 by sections 1, 2 and 3 of this 2021 Act apply**
17 **to persons:**

18 (A) Sentenced before the effective date of this 2021 Act; and

19 (B) Who are not prohibited by any other provision of law from ob-
20 taining a reduction in the term of incarceration under ORS 421.121.

21 (b) The amendments to ORS 137.707 and 421.121 by sections 2 and 3
22 of this 2021 Act do not apply to persons on conditional release under
23 ORS 420A.206 on or before the operative date specified in section 5 of
24 this 2021 Act.

25 (2)(a) If the Department of Corrections determines, pursuant to
26 rules adopted by the department, that a person in the legal custody
27 of the department and in the physical custody of either the department
28 or the Oregon Youth Authority, who was sentenced before the effec-
29 tive date of this 2021 Act, is eligible for a reduction in the term of in-
30 carceration under ORS 421.121 pursuant to the amendments to ORS
31 137.700, 137.707 and 421.121 by sections 1, 2 and 3 of this 2021 Act, the

1 **department shall notify:**

2 **(A) The person in custody; and**

3 **(B) The presiding judge, trial court administrator and district at-**
4 **torney, in the county in which the person was convicted.**

5 **(b) The notice described in paragraph (a) of this subsection shall**
6 **indicate the sentences and counts for which the person is eligible for**
7 **a reduction in the term of incarceration.**

8 **(c) In addition to the notice described in paragraph (a) of this sub-**
9 **section, the department and authority shall provide the presiding**
10 **judge and trial court administrator with a supplemental judgment de-**
11 **scribed in subsection (12) of this section for the person.**

12 **(3) Upon receipt of the notice, the trial court administrator shall**
13 **file the notice with the court, and the district attorney shall make**
14 **reasonable efforts to inform the victim:**

15 **(a) That the person may be eligible for a reduction in the term of**
16 **incarceration under ORS 421.121;**

17 **(b) Of the victim's rights implicated by the person's eligibility for**
18 **the reduction;**

19 **(c) That if the victim wishes to object to the person's eligibility for**
20 **the reduction, the victim must notify the district attorney within 20**
21 **days of the date the notice described in subsection (2) of this section**
22 **is filed with the court by the trial court administrator; and**

23 **(d) That if the victim fails to object in accordance with paragraph**
24 **(c) of this subsection, the sentencing court may authorize the depart-**
25 **ment to consider the person for the reduction.**

26 **(4)(a) If the district attorney receives a timely notice of objection**
27 **from a victim or if the district attorney objects to the person's eligi-**
28 **bility for a reduction in the term of incarceration under ORS 421.121,**
29 **the district attorney must file notice of the objection with the court**
30 **no later than 21 days after the date the notice described in subsection**
31 **(2) of this section is filed with the court by the trial court adminis-**

1 **trator.**

2 **(b) Unless the court has entered the judgment described in sub-**
3 **section (5)(b) of this section, the court may, for good cause shown,**
4 **allow the filing of a notice of objection on a date later than the date**
5 **described in paragraph (a) of this subsection.**

6 **(5)(a) If a notice of objection is filed with the court within the time**
7 **period described in subsection (4) of this section or if the sentencing**
8 **court, on its own motion, determines that a hearing is necessary, the**
9 **court shall set a hearing within 35 days of the date the notice described**
10 **in subsection (2) of this section is filed with the court by the trial**
11 **court administrator, unless the court finds good cause to hold the**
12 **hearing at a later date.**

13 **(b) If a notice of objection is not filed with the court within the**
14 **time period described in subsection (4) of this section and the sen-**
15 **tencing court determines that it is appropriate to authorize the de-**
16 **partment to consider the person for a reduction in the term of**
17 **incarceration under ORS 421.121, the court shall enter a supplemental**
18 **judgment using the form of judgment submitted by the department**
19 **under subsection (12)(a) of this section.**

20 **(6)(a) When the court sets a hearing under subsection (5)(a) of this**
21 **section, the court shall appoint counsel for the person and notify the**
22 **person, the person's counsel, the department and the district attorney**
23 **of the hearing date. Upon receipt of the notice, the district attorney**
24 **shall make reasonable efforts to inform the victim of:**

25 **(A) The hearing date; and**

26 **(B) The victim's rights implicated in the hearing.**

27 **(b) Pursuant to ORS 151.216 and 151.219, the Public Defense Services**
28 **Commission shall provide for the representation of a person for whom**
29 **counsel is appointed under this subsection.**

30 **(7)(a) At the hearing, the person, the district attorney and the vic-**
31 **tim may introduce evidence relevant to the determination of whether,**

1 under ORS 137.750 and based on the information available to the par-
2 ties and the court at the time the sentence was originally imposed,
3 there are substantial and compelling reasons to order that the person
4 not be considered for a reduction in the term of incarceration under
5 ORS 421.121.

6 (b) Upon the conclusion of the hearing, the court shall order on the
7 record in open court that the department is authorized to consider the
8 person for a reduction in the term of incarceration under ORS 421.121
9 unless the court finds, on the record and in open court, substantial
10 and compelling reasons to order that the person not be considered for
11 the reduction. If the court orders that the person may be considered
12 for the reduction, the court shall enter a supplemental judgment using
13 the form of judgment submitted by the department under subsection
14 (12)(a) of this section.

15 (c) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply to a hearing
16 conducted under this section.

17 (d) The sentencing court has jurisdiction to modify its judgment
18 and sentence to enter the supplemental judgment described in sub-
19 section (5)(b) of this section or to reflect the results of a hearing de-
20 scribed in this subsection.

21 (8) Unless the court orders otherwise, a person shall appear at a
22 hearing described in subsection (7) of this section by simultaneous
23 electronic transmission as that term is defined in ORS 131.045.

24 (9) Notwithstanding the grant of a reduction in the term of incar-
25 ceration under ORS 421.121 by the department under this section, the
26 department may defer the release of a person for no more than 90 days
27 when, in the judgment of the department, the deferral is necessary or
28 advisable in order for the department to provide for transitional plan-
29 ning or for the continuity of medical or mental health care or treat-
30 ment to the person.

31 (10) The post-prison supervision term of a person who is released

1 from a facility of the department or the Oregon Youth Authority after
2 having been granted a reduction in the term of incarceration under
3 ORS 421.121 commences upon the person's physical release from the
4 facility.

5 (11)(a) Nothing in this section or the amendments to ORS 137.700,
6 137.707 and 421.121 by sections 1, 2 and 3 of this 2021 Act:

7 (A) Creates any cause of action for compensation or damages;

8 (B) Entitles a person to a hearing before the date set by the court
9 under subsection (5)(a) of this section; or

10 (C) Entitles a person sentenced under ORS 137.700 or 137.707 to a
11 reduction in the term of incarceration, except as authorized by the
12 sentencing court and granted by the department in accordance with
13 department rules.

14 (b) Notwithstanding ORS 30.265 or any other provision of law, the
15 department and its officers, employees and agents are immune from
16 any claim or action arising from:

17 (A) The failure to identify a person who is eligible for a reduction
18 in the term of incarceration under the amendments to ORS 137.700,
19 137.707 and 421.121 by sections 1, 2 and 3 this 2021 Act or to provide the
20 notice described in subsection (2) of this section;

21 (B) The failure to grant a reduction in the term of incarceration
22 under ORS 421.121 after the reduction has been authorized by the
23 sentencing court under subsection (5)(b) or (7)(b) of this section; or

24 (C) The deferral of a person's release under subsection (9) of this
25 section.

26 (12) The Department of Corrections:

27 (a) Shall, after consulting with the Judicial Department, prepare a
28 form of supplemental judgment that specifies the sentences and counts
29 for which a person sentenced under ORS 137.700 or 137.707 is eligible
30 for a reduction in the term of incarceration under ORS 421.121.

31 (b) May adopt rules to carry out the provisions of this section.

1 (13) As used in this section:

2 (a) “Reasonable efforts to inform the victim” has the meaning given
3 that phrase in ORS 147.500.

4 (b) “Victim” has the meaning given that term in ORS 147.500.

5 **SECTION 5.** (1) Section 4 of this 2021 Act becomes operative on the
6 date that is 60 days after the effective date of this 2021 Act.

7 (2) The Department of Corrections, the Judicial Department, the
8 State Board of Parole and Post-Prison Supervision and the district
9 attorneys of this state may take any action before the operative date
10 specified in subsection (1) of this section that is necessary to enable
11 the departments, board or district attorneys to exercise, on or after
12 the operative date specified in subsection (1) of this section, all the
13 duties, functions and powers conferred on the departments, board or
14 district attorneys by section 4 of this 2021 Act.

15 **SECTION 6.** Section 4 of this 2021 Act is repealed on January 1, 2023.
16

17 **CAPTIONS**
18

19 **SECTION 7.** The unit captions used in this 2021 Act are provided
20 only for the convenience of the reader and do not become part of the
21 statutory law of this state or express any legislative intent in the
22 enactment of this 2021 Act.
23

24 **EFFECTIVE DATE**
25

26 **SECTION 8.** This 2021 Act takes effect on the 91st day after the date
27 on which the 2021 regular session of the Eighty-first Legislative As-
28 ssembly adjourns sine die.
29
