

(Including Amendments to Resolve Conflicts)

B-Engrossed Senate Bill 1005

Ordered by the Senate June 21
Including Senate Amendments dated April 22 and June 21

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes regulations for kratom products, including labeling requirements and minimum age for sale. Requires registration of kratom products with State Department of Agriculture. Provides civil cause of action for damages resulting from violation of kratom regulations. Authorizes imposition of civil penalty for certain violations. Creates crime of unlawful preparation, distribution, sale or offer for sale of kratom product. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both. Creates crime of unlawful distribution, sale or offer for sale to individual under 21 years of age. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.]

Adds two members to Task Force on School Safety. Directs task force to submit third report to interim committee of Legislative Assembly related to judiciary no later than September 1, 2021. Extends sunset of task force to December 31, 2021.

Provides that provisions of chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008), modifying prosecution and sentencing of juvenile offenders, do not apply to persons resented on or after January 1, 2020, who were originally sentenced before January 1, 2020.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to public safety; amending sections 1 and 2, chapter 93, Oregon Laws 2014, and section 32,
3 chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008); and declaring an emergency.

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

5 **SECTION 1.** Section 1, chapter 93, Oregon Laws 2014, as amended by section 6, chapter 74,
6 Oregon Laws 2016, is amended to read:

7 **Sec. 1.** (1) The Task Force on School Safety is established, consisting of [16] **18** members as
8 follows:

9 (a) The Superintendent of State Police or the superintendent's designee.

10 (b) The Director of the Department of Public Safety Standards and Training or the director's
11 designee.

12 (c) The Governor's Public Safety Policy Advisor.

13 (d) The Governor's Education Policy Advisor.

14 (e) The President of the Senate shall appoint one member from among members of the Senate.

15 (f) The Speaker of the House of Representatives shall appoint one member from among members
16 of the House of Representatives.

17 (g) The Governor shall appoint [10] **12** members as follows:

18 (A) A member of the Oregon State Sheriffs' Association;

19 (B) A member of the Oregon Association Chiefs of Police;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (C) A member of the Oregon Fire Chiefs Association;
2 (D) A member of the Oregon Education Association;
3 (E) A member of the Oregon School Employees Association;
4 (F) A member of the Oregon School Boards Association;
5 (G) A member of the Oregon Association of Education Service Districts;
6 (H) A member of the Confederation of Oregon School Administrators;
7 (I) A member representing the Department of Education; *[and]*
8 (J) A member of the Association of Oregon Community Mental Health Programs[.];
9 **(K) A member of the Oregon Health Authority; and**
10 **(L) A member of the Office of Emergency Management.**
- 11 (2) Members of the Legislative Assembly appointed to the task force are nonvoting members of
12 the task force and may act in an advisory capacity only.
- 13 (3) The task force shall:
- 14 (a)(A) Develop a request for proposals to be published by the Department of State Police for
15 hiring a vendor to create a database of floor plans for all schools within the state, accessible to
16 authorized users via the Internet; and
- 17 (B) Make recommendations to the Department of State Police for the development of adminis-
18 trative rules governing the database, including but not limited to:
- 19 (i) Specifying the persons and agencies that may have access to the database;
20 (ii) Identifying the persons or agencies that will maintain the database; and
21 (iii) Regulating the manner in which database records are added or modified;
- 22 (b) Examine models of existing education and training programs for law enforcement officials,
23 other first responders and school employees in the area of school safety and incident response; and
24 (c) Examine models for existing protocols for school safety and incident response and consider
25 whether standardized statewide school safety and incident response protocols would be appropriate.
- 26 (4) A majority of the voting members of the task force constitutes a quorum for the transaction
27 of business.
- 28 (5) Official action by the task force requires the approval of a majority of the voting members
29 of the task force.
- 30 (6) The task force shall elect one of its members to serve as chairperson and one of its members
31 to serve as vice chairperson.
- 32 (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to
33 become immediately effective.
- 34 (8) The task force shall meet at times and places specified by the call of the chairperson or of
35 a majority of the voting members of the task force.
- 36 (9) The task force may adopt rules necessary for the operation of the task force.
- 37 (10) The task force shall submit a report concerning the floor plan database in the manner
38 provided by ORS 192.245, and may include recommendations for legislation, to an interim committee
39 of the Legislative Assembly related to the judiciary as appropriate no later than September 1, 2017.
40 A second report shall be submitted in a similar manner no later than September 1, 2019. **A third**
41 **report shall be submitted in a similar manner no later than September 1, 2021.**
- 42 (11) The Department of State Police shall provide staff support to the task force.
- 43 (12) Members of the task force who are not members of the Legislative Assembly are not enti-
44 tled to compensation, but may be reimbursed for actual and necessary travel and other expenses
45 incurred by them in the performance of their official duties in the manner and amounts provided for

1 in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid
2 out of funds appropriated to the Department of State Police for purposes of the task force.

3 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task
4 force in the performance of its duties and, to the extent permitted by laws relating to confidentiality,
5 to furnish such information and advice as the members of the task force consider necessary to per-
6 form their duties.

7 **SECTION 2.** Section 2, chapter 93, Oregon Laws 2014, as amended by section 7, chapter 74,
8 Oregon Laws 2016, is amended to read:

9 **Sec. 2.** Section 1, chapter 93, Oregon Laws 2014, is repealed on December 31, [2019] 2021.

10 **SECTION 3.** If Senate Bill 1008 becomes law and Senate Bill 1013 does not become law, section
11 32, chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008), is amended to read:

12 **Sec. 32. (1)** Sections 24 and 25 [of this 2019 Act], **chapter _____, Oregon Laws 2019 (En-**
13 **rolled Senate Bill 1008)**, and the amendments to ORS 137.071, 137.124, 137.705, 137.707, 137.712,
14 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321,
15 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358, 419C.361, 420.011, 420.081 and
16 420A.203 by sections 1 to 23 and 26 to 29 [of this 2019 Act], **chapter _____, Oregon Laws 2019**
17 **(Enrolled Senate Bill 1008)**, apply to sentences imposed on or after January 1, 2020.

18 **(2) Notwithstanding subsection (1) of this section, sections 24 and 25, chapter _____,**
19 **Oregon Laws 2019 (Enrolled Senate Bill 1008), and the amendments to ORS 137.071, 137.124,**
20 **137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135,**
21 **339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358,**
22 **419C.361, 420.011, 420.081 and 420A.203 by sections 1 to 23 and 26 to 29, chapter _____,**
23 **Oregon Laws 2019 (Enrolled Senate Bill 1008), do not apply to persons who were originally**
24 **sentenced before January 1, 2020, and who are subsequently resentenced on or after January**
25 **1, 2020, as the result of an appellate decision or a post-conviction relief proceeding or for any**
26 **other reason.**

27 **SECTION 4.** If both Senate Bill 1008 and Senate Bill 1013 become law, section 32, chapter
28 _____, Oregon Laws 2019 (Enrolled Senate Bill 1008), as amended by section 3c, chapter
29 _____, Oregon Laws 2019 (Enrolled Senate Bill 1013), is amended to read:

30 **Sec. 32. (1)** Sections 24 and 25, chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008),
31 and the amendments to ORS 137.071, 137.124, 137.705, 137.707, 137.712, 144.185, 161.610, 161.620,
32 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346,
33 419C.349, 419C.352, 419C.355, 419C.358, 419C.361, 420.011, 420.081 and 420A.203 and section 3 [of this
34 2019 Act], **chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1013)**, by sections 1 to 23
35 and 26 to 29, chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008), and section 3a [of this
36 2019 Act], **chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1013)**, apply to sentences
37 imposed on or after January 1, 2020.

38 **(2) Notwithstanding subsection (1) of this section, sections 24 and 25, chapter _____,**
39 **Oregon Laws 2019 (Enrolled Senate Bill 1008), and the amendments to ORS 137.071, 137.124,**
40 **137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135,**
41 **339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358,**
42 **419C.361, 420.011, 420.081 and 420A.203 and section 3, chapter _____, Oregon Laws 2019 (En-**
43 **rolled Senate Bill 1013), by sections 1 to 23 and 26 to 29, chapter _____, Oregon Laws 2019**
44 **(Enrolled Senate Bill 1008), and section 3a, chapter _____, Oregon Laws 2019 (Enrolled**
45 **Senate Bill 1013), do not apply to persons who were originally sentenced before January 1,**

1 2020, and who are subsequently resentenced on or after January 1, 2020, as the result of an
2 appellate decision or a post-conviction relief proceeding or for any other reason.

3 **SECTION 5.** This 2019 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
5 July 1, 2019.

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