

SB 755-32  
(LC 3429)  
4/7/21 (LHF/JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

**PROPOSED AMENDMENTS TO  
SENATE BILL 755**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and delete line 3 and insert “amending ORS 51.050, 135.242,  
3 137.300, 153.012, 153.018, 153.019, 153.021, 153.064, 153.992, 161.570, 221.339,  
4 244.050, 419C.370, 423.478, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854,  
5 475.874, 475.884, 475.894, 475.900, 475.925, 475B.759 and 670.280 and sections  
6 1.”.

7 In line 4, delete the period and insert “; and declaring an emergency.”.

8 In line 18, before “health” insert “screening”.

9 In line 21, before “health” insert “screening”.

10 Delete lines 30 and 31.

11 Delete pages 2 through 4.

12 On page 5, delete lines 1 through 43 and insert:

13 **“SECTION 2.** Section 2, chapter 2, Oregon Laws 2021 (Ballot Measure  
14 110 (2020)), is amended to read:

15 **“Sec. 2.** [Grants Program. (1) *The Oversight and Accountability Council*  
16 *shall oversee and approve grants to implement Addiction Recovery Centers and*  
17 *increase access to community care, as set forth below.*]

18 “[(2) Addiction Recovery Centers. *The Oversight and Accountability Coun-*  
19 *cil shall provide grants to existing agencies or organizations, whether govern-*  
20 *ment or community-based, to create Addiction Recovery Centers for the*  
21 *purposes of immediately triaging the acute needs of people who use drugs and*

1 *assessing and addressing any on-going needs thorough intensive case manage-*  
2 *ment and linkage to care and services.]*

3 *“(a) Grants must be disbursed such that at least one center shall be es-*  
4 *tablished within each existing coordinated care organization service area.*  
5 *Centers within each existing coordinated care organization service area shall*  
6 *be established and operational by October 1, 2021.]*

7 *“(b) Grantees must be able to provide or display an ability to provide the*  
8 *following services to any Oregon resident who requests it, in order to receive*  
9 *funding as an Addiction Recovery Center:]*

10 *“(i) 24/7 triage: Centers shall assess a client’s need for immediate medical*  
11 *or other treatment shortly upon the client’s arrival to determine what acute*  
12 *care is needed and where it can be best provided. Centers shall provide this*  
13 *service twenty-four hours a day, seven days a week, 365 days a year.]*

14 *“(ii) Health assessment: Centers shall conduct a comprehensive behavioral*  
15 *health needs assessment for each client, including a substance use disorder*  
16 *screening by a certified alcohol and drug counselor or other credentialed ad-*  
17 *diction treatment professional. The assessment shall prioritize the self-*  
18 *identified needs of the client.]*

19 *“(iii) Individual intervention plan, intensive case management and con-*  
20 *nection to services: If, after the completion of the assessment, the client indi-*  
21 *cates a desire to address some or all of the identified needs, a case manager*  
22 *shall work with the client to design an individual intervention plan. The plan*  
23 *must address the client’s need for substance use disorder treatment, coexisting*  
24 *health problems, housing, employment and training, childcare and other ser-*  
25 *vices. Intensive case management requires, in the least, that case managers*  
26 *have a sufficiently low staff-to-client ratio to provide daily support as needed*  
27 *to connect clients to services and care needed to fulfill the individual inter-*  
28 *vention plan and have the capacity to follow-up to ensure clients are accessing*  
29 *care and, if not, to reconnect clients to care as necessary and as desired by*  
30 *clients.]*

1       “(iv) *Peer support: Each center shall offer ongoing peer counseling and*  
2 *support from triage and assessment through implementation of individual*  
3 *intervention plans as well as provide peer outreach workers to engage directly*  
4 *with marginalized community members who could potentially benefit from the*  
5 *center’s services.]*

6       “(v) *Outreach: Each center shall assess the need for, and provide, mobile*  
7 *or virtual outreach services to reach clients who are unable to access the*  
8 *center.]*

9       “(A) *Notwithstanding subsection (2)(a) of this section, only one center*  
10 *within each coordinated care organization service area is required to provide*  
11 *the triage assessments set forth in subsection (2)(b)(i) of this section.]*

12       “(c) *All services provided at the centers must be evidence-informed,*  
13 *trauma-informed, culturally responsive, patient-centered, non-judgmental, and*  
14 *centered on principles of harm reduction. The goal of the individual inter-*  
15 *vention plan and intensive case management shall be to address effectively the*  
16 *client’s substance use disorder and any other factors driving problematic be-*  
17 *haviors without employing coercion or shame or mandating abstinence.]*

18       “(d) *The centers shall be adequately staffed to address the needs of people*  
19 *with substance use disorder within their regions as determined by the Over-*  
20 *sight and Accountability Council, but must include, at a minimum, at least*  
21 *one person qualified in each of the following categories:]*

22       “[*Certified alcohol and drug counselor or other credentialed addiction*  
23 *treatment professional;]*

24       “[*Intensive case manager; and,*]

25       “[(C) *Peer support specialist.]*

26       “(e) *Each center shall provide timely verification on behalf of any client*  
27 *who has completed a health assessment, as set forth in subsection (2)(b)(ii) of*  
28 *this section, if the client requests such verification to comply with section 22*  
29 *or section 23 (2) of this Act.]*

30       “[(3) *Increasing Community Access to Care.* *The Oversight and Account-*

1 *ability Council shall provide grants to existing agencies or organizations,*  
2 *whether government or community based, to increase access to one or more of*  
3 *the following:]*

4 *“[(a) Low barrier substance use disorder treatment that is evidence-*  
5 *informed, trauma-informed, culturally responsive, patient-centered, and non-*  
6 *judgmental;]*

7 *“[(b) Peer support and recovery services;]*

8 *“[(c) Transitional, supportive, and permanent housing for persons with*  
9 *substance use disorder;]*

10 *“[(d) Harm reduction interventions including, but not limited to, overdose*  
11 *prevention education, access to naloxone hydrochloride and sterile syringes,*  
12 *and stimulant-specific drug education and outreach.]*

13 *“[(4) The council shall prioritize providing grants to community-based*  
14 *nonprofit organizations within each coordinated care organization service area.*  
15 *However, if within any such service area a community-based nonprofit organ-*  
16 *ization does not apply for a grant or grants are not sought within that service*  
17 *area for which services are needed, then the council may request and fund*  
18 *grants to any community care organization or county within that service*  
19 *area.]*

20 *“[(5) Services provided by grantees, including services provided by Ad-*  
21 *diction Recovery Centers, shall be free of charge to the persons receiving the*  
22 *services. To the extent consistent with applicable law, grantees and service*  
23 *providers may seek and obtain reimbursement for services provided to any*  
24 *person from any insurer or entity providing insurance to that person.]*

25 **“(1) The Oversight and Accountability Council shall oversee and**  
26 **approve grants and funding to implement Behavioral Health Resource**  
27 **Networks and increase access to community care, as set forth below.**  
28 **A Behavioral Health Resource Network is an entity or collection of**  
29 **entities that individually or jointly provide some or all of the services**  
30 **described in subsection (2)(d) of this section.**

1       **“(2)(a) The Oversight and Accountability Council, in consultation**  
2 **with the Oregon Health Authority, shall provide grants and funding**  
3 **to agencies or organizations, whether government or community**  
4 **based, to establish Behavioral Health Resource Networks for the pur-**  
5 **poses of immediately screening the acute needs of people who use**  
6 **drugs and assessing and addressing any ongoing needs through ongo-**  
7 **ing case management, harm reduction, treatment, housing and link-**  
8 **age to other care and services. Recipients of grants or funding to**  
9 **provide substance use disorder treatment or services must be licensed,**  
10 **certified or credentialed by the state, including certification under**  
11 **ORS 743A.168 (7), or meet criteria prescribed by rule by the Oversight**  
12 **and Accountability Council under section 4, chapter 2, Oregon Laws**  
13 **2021 (Ballot Measure 110 (2020)).**

14       **“(b) Grants and funding must be disbursed such that at least one**  
15 **network shall be established and operational within each county by**  
16 **October 1, 2021.**

17       **“(c) Applicants for grants and funding may apply individually or**  
18 **jointly with other network participants.**

19       **“(d) A network must have the capacity to provide the following**  
20 **services and any other services specified by the council by rule:**

21       **“(A) Screening by certified addiction peer support or wellness spe-**  
22 **cialists or other qualified persons designated by the council to deter-**  
23 **mine a client’s need for immediate medical or other treatment to**  
24 **determine what acute care is needed and where it can be best provided,**  
25 **identify other needs and link the client to other appropriate local or**  
26 **statewide services, including treatment for substance abuse and coex-**  
27 **isting health problems, housing, employment, training and child care.**  
28 **Networks shall provide this service 24 hours a day, seven days a week,**  
29 **every calendar day of the year. Notwithstanding paragraph (b) of this**  
30 **subsection, only one grantee in each network within each county is**

1 required to provide the screenings described in this subparagraph.

2 “(B) Comprehensive behavioral health needs assessment, including  
3 a substance use disorder screening by a certified alcohol and drug  
4 counselor or other credentialed addiction treatment professional. The  
5 assessment shall prioritize the self-identified needs of a client.

6 “(C) Individual intervention planning, case management and con-  
7 nection to services. If, after the completion of a screening, a client  
8 indicates a desire to address some or all of the identified needs, a case  
9 manager shall work with the client to design an individual inter-  
10 vention plan. The plan must address the client’s need for substance  
11 use disorder treatment, coexisting health problems, housing, employ-  
12 ment and training, child care and other services.

13 “(D) Ongoing peer counseling and support from screening and as-  
14 sessment through implementation of individual intervention plans as  
15 well as peer outreach workers to engage directly with marginalized  
16 community members who could potentially benefit from the network’s  
17 services.

18 “(E) Assessment of the need for, and provision of, mobile or virtual  
19 outreach services to:

20 “(i) Reach clients who are unable to access the network; and

21 “(ii) Increase public awareness of network services.

22 “(F) Harm reduction services and information and education about  
23 harm reduction services.

24 “(G) Low-barrier substance use disorder treatment.

25 “(H) Transitional and supportive housing for individuals with sub-  
26 stance use disorders.

27 “(e) All services provided through the networks must be evidence-  
28 informed, trauma-informed, culturally specific, linguistically respon-  
29 sive, patient-centered and nonjudgmental. The goal shall be to address  
30 effectively the client’s substance use and any other social determi-

1 nants of health.

2 “(f) The networks must be adequately staffed to address the needs  
3 of people with substance use disorders within their regions as pre-  
4 scribed by the council by rule, including, at a minimum, at least one  
5 person qualified by the Oregon Health Authority in each of the fol-  
6 lowing categories:

7 “(A) Certified alcohol and drug counselor or other credentialed ad-  
8 diction treatment professional;

9 “(B) Case manager; and

10 “(C) Certified addiction peer support or wellness specialist.

11 “(g) Each network shall provide prompt verification on behalf of  
12 any client who has completed a screening, as set forth in subsection  
13 (2)(d)(B) of this section, if the client requests such verification to  
14 comply with section 22, chapter 2, Oregon Laws 2021 (Ballot Measure  
15 110 (2020)), or section 45 of this 2021 Act to:

16 “(A) The client; and

17 “(B) The Oregon Health Authority, which shall forward the verifi-  
18 cation to the court in the manner prescribed by the Chief Justice of  
19 the Supreme Court.

20 “(3) In addition to grants and funding provided to networks, the  
21 council shall provide grants and funding to other agencies or organ-  
22 izations, whether government or community based, and to service  
23 providers that are affiliated with the nine federally recognized tribes  
24 in this state to increase access to one or more of the following:

25 “(a) Low-barrier substance use disorder treatment that is  
26 evidence-informed, trauma-informed, culturally specific, linguistically  
27 responsive, patient-centered and nonjudgmental;

28 “(b) Peer support and recovery services;

29 “(c) Transitional, supportive and permanent housing for persons  
30 with substance use disorder; or

1       “(d) Harm reduction interventions including, but not limited to,  
2 overdose prevention education, access to naloxone hydrochloride and  
3 sterile syringes and stimulant-specific drug education and outreach.

4       “(4) In awarding grants within each geographic area, the council  
5 shall prioritize community-based organizations serving communities  
6 most impacted by laws enacted in the war on drugs initiative.

7       “(5) The council shall require any government entity that applies  
8 for a grant to specify in the application details regarding subgrantees  
9 and how the government entity will fund culturally specific organiza-  
10 tions and culturally specific services. A government entity receiving  
11 a grant must make an explicit commitment not to supplant or de-  
12 crease any existing funding used to provide services funded by the  
13 grant.

14       “(6) In determining grants and funding to be awarded, the council  
15 may consult the comprehensive addiction, prevention, treatment and  
16 recovery plan established by the Alcohol and Drug Commission under  
17 ORS 430.223 and the advice of any other group, agency, organization  
18 or individual that desires to provide advice to the council that is con-  
19 sistent with the terms of this section.

20       “(7) Services provided by grantees, including services provided by a  
21 Behavioral Health Resource Network, shall be free of charge to the  
22 clients receiving the services. Grantees in each network shall seek  
23 reimbursement from insurance issuers, the medical assistance pro-  
24 gram or any other third party responsible for the cost of services  
25 provided to a client and grants and funding provided by the council  
26 or the authority under subsection (2) of this section may be used for  
27 copayments, deductibles or other out-of-pocket costs incurred by the  
28 client for the services.

29       “(8) Subsection (7) of this section does not require the medical as-  
30 sistance program to reimburse the cost of services for which another



1 **third party is responsible in violation of 42 U.S.C. 1396a(25).**

2 **“SECTION 3.** Section 3, chapter 2, Oregon Laws 2021 (Ballot Measure  
3 110 (2020)), is amended to read:

4 **“Sec. 3. [*Oversight and Accountability Council.*] (1)(a)** The Director of the  
5 Oregon Health Authority shall establish an Oversight and Accountability  
6 Council for the purpose of determining how funds will be distributed to grant  
7 applicants and to oversee the implementation of the [*Centers*] **Behavioral**  
8 **Health Resource Networks** pursuant to section 2, **chapter 2, Oregon**  
9 **Laws 2021 (Ballot Measure 110 (2020))**. The council shall be formed on or  
10 before February 1, 2021.

11 “[*a*] **(b)** The council shall [*be comprised*] **consist** of qualified individuals  
12 with experience in substance use disorder treatment and other addiction  
13 services. The council shall consist of at least one member from each of the  
14 following categories only:

15 “[*i*] **(A)** A representative of the Oregon Health Authority, Health Sys-  
16 tems Division Behavioral Health Services **as a nonvoting member**;

17 “[*ii*] **(B)** Three members of communities that have been disproportion-  
18 ately impacted by arrests, prosecution or sentencing for conduct that has  
19 been classified or reclassified as a Class E violation [*pursuant to section 11*  
20 *to section 19.*];

21 “[*iii*] **(C)** A physician specializing in addiction medicine;

22 “[*iv*] **(D)** A licensed clinical social worker;

23 “[*v*] **(E)** An evidence-based substance use disorder provider;

24 “[*vi*] **(F)** A harm reduction services provider;

25 “[*vii*] **(G)** A person specializing in housing services for people with  
26 substance use disorder or a diagnosed mental health condition;

27 “[*viii*] **(H)** An academic researcher specializing in drug use or drug pol-  
28 icy;

29 “[*ix*] **(I)** At least two people who suffered or suffer from substance use  
30 disorder;

1 “[x] (**J**) At least two recovery peers;  
2 “[xi] (**K**) A mental or behavioral health provider;  
3 “[xii] (**L**) A representative of a coordinated care organization; and[,]  
4 “[xiii] (**M**) A person who works for a [non-profit] **nonprofit** organization  
5 that advocates for persons who experience or have experienced substance use  
6 disorder.

7 “(2) A quorum consists of [nine] **two-thirds of the members of the**  
8 **council, rounded up to the next odd number of members.**

9 “(3) The term of office for a member of the council [shall be] **is** four years.  
10 Vacancies shall be appointed for the unexpired term.

11 “(4)(a) To the extent permissible by law, a member of the council per-  
12 forming services for the council may receive compensation from [his or her]  
13 **the member’s** employer for time spent performing services as a council  
14 member.

15 “(b) If a member of the council is not compensated by [their] **the**  
16 **member’s** employer as set forth in [subsection (4)(a) of this section] **para-**  
17 **graph (a) of this subsection**, that member shall be entitled to compensation  
18 and expenses as provided in ORS 292.495.

19 “[c] *Nothing in this subsection (4) of this section excuses or exempts a*  
20 *member of the council from complying with any applicable provision of*  
21 *Oregon’s ethics laws and regulations, including the provisions of ORS chapter*  
22 *244.*]

23 “(5) **Members of the council are subject to and must comply with**  
24 **ORS 244.045 (4), 244.047, 244.120 and 244.130.**

25 “**SECTION 4.** Section 4, chapter 2, Oregon Laws 2021 (Ballot Measure  
26 110 (2020)), is amended to read:

27 “**Sec. 4.** [*Administration.*] (1)(a) On or before June 30, 2021, the Oversight  
28 and Accountability Council shall adopt rules that establish general criteria  
29 and requirements for the [*Addiction Recovery Centers*] **Behavioral Health**  
30 **Resource Networks** and the grants **and funding** required by section 2,

1 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), including**  
2 **rules requiring recipients of grants and funding to collect and report**  
3 **information necessary for the Secretary of State to conduct the fi-**  
4 **nancial and performance audits required by section 24, chapter 2,**  
5 **Oregon Laws 2021 (Ballot Measure 110 (2020)).**

6 “(b) The council shall from time to time adopt such rules, and amend and  
7 revise rules [*it*] **the council** has adopted, as [*it*] **the council** deems proper  
8 and necessary for the administration of [*this Act*] **chapter 2, Oregon Laws**  
9 **2021 (Ballot Measure 110 (2020))**, and the performance of [*its*] **the council’s**  
10 work.

11 “(2) The council shall have and retain the authority to implement and  
12 oversee the [*Addiction Recovery Centers created by*] **Behavioral Health Re-**  
13 **source Networks established under** section 2, **chapter 2, Oregon Laws**  
14 **2021 (Ballot Measure 110 (2020))**, and the grants [*program created and re-*  
15 *quired by*] **and funding under** section 2, **chapter 2, Oregon Laws 2021**  
16 **(Ballot Measure 110 (2020))**.

17 “(3) The Oregon Health Authority[, *Health Systems Division Behavioral*  
18 *Health Services*] shall administer and provide all necessary support to ensure  
19 the implementation of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot**  
20 **Measure 110 (2020))**.

21 “(4)(a) The [*Oregon Health Authority, Health Systems Division Behavioral*  
22 *Health Services,*] **authority**, in consultation with the council, may enter into  
23 interagency agreements to ensure proper distribution of funds for the grants  
24 [*created and*] required by section 2, **chapter 2, Oregon Laws 2021 (Ballot**  
25 **Measure 110 (2020))**.

26 “(b) The [*Oregon Health Authority, Health Systems Division Behavioral*  
27 *Health Services*] **authority** shall encourage and take all reasonable measures  
28 to ensure that grant recipients cooperate, coordinate and act jointly with one  
29 another to offer the services described in section 2, **chapter 2, Oregon Laws**  
30 **2021 (Ballot Measure 110 (2020))**.

1 “(c) The authority shall post to the authority’s website, at the time  
2 a grant or funding is awarded:

3 “(A) The name of the recipient of the grant or funding;

4 “(B) The names of any subgrantees or subcontractors of the recip-  
5 ient of the grant or funding; and

6 “(C) The amount of the grant or funding awarded.

7 “(5) The [*Oregon Health Authority, Health Systems Division Behavioral*  
8 *Health Services*] **authority** shall provide requested technical, logistical and  
9 other support to the council to assist the council with [*its*] **the council’s**  
10 duties and obligations.

11

12

## “FUNDING

13

14 “**SECTION 5.** Section 5, chapter 2, Oregon Laws 2021 (Ballot Measure  
15 110 (2020)), is amended to read:

16 “**Sec. 5.** (1) The Drug Treatment and Recovery Services Fund is estab-  
17 lished in the State Treasury, separate and distinct from the General Fund.  
18 Interest earned by the **Drug Treatment and Recovery Services** Fund shall  
19 be credited to the fund.

20 “(2) The Drug Treatment and Recovery Services Fund shall consist of:

21 “(a) Moneys deposited into the fund pursuant to section 6, **chapter 2,**  
22 **Oregon Laws 2021 (Ballot Measure 110 (2020));**

23 “(b) Moneys appropriated or otherwise transferred to the fund by the  
24 Legislative Assembly;

25 “(c) Moneys allocated from the Oregon Marijuana Account, pursuant to  
26 ORS 475B.759 (7); [*and,*]

27 “(d) **Moneys allocated from the Criminal Fine Account pursuant to**  
28 **ORS 137.300 (4); and**

29 “[*d*] (e) All other moneys deposited [*in*] **into** the fund from any source.

30 “(3) Moneys in the fund shall be continuously appropriated to the Oregon

1 Health Authority for the purposes set forth in section 2, **chapter 2, Oregon**  
2 **Laws 2021 (Ballot Measure 110 (2020))**.

3 “[*(4) Unexpended moneys in the fund may not lapse and shall be carried*  
4 *forward and may be used without regard to fiscal year or biennium.*]

5 “[*(5)(a)*] **(4)(a)** Pursuant to subsection (2)(b) of this section, the Legisla-  
6 tive Assembly shall appropriate or transfer to the fund an amount sufficient  
7 to fully fund the grants program required by section 2, **chapter 2, Oregon**  
8 **Laws 2021 (Ballot Measure 110 (2020))**.

9 “(b) The total amount deposited and transferred into the fund shall not  
10 be less than \$57 million for the first year [*this Act*] **chapter 2, Oregon Laws**  
11 **2021 (Ballot Measure 110 (2020))**, is in effect.

12 “(c) In each subsequent year, [*that*] **the minimum transfer** amount set  
13 forth in **paragraph (b) of this** subsection [*(5)(b) of this section*] shall be in-  
14 creased by not less than **the sum of:**

15 “[*(i)*] **(A) \$57 million multiplied by** the percentage [*(if any)*], **if any**, by  
16 which the monthly averaged U.S. City Average Consumer Price Index for the  
17 12 consecutive months ending [*December*] **August 31** of the prior calendar  
18 year exceeds the monthly index for the fourth quarter of the calendar year  
19 2020; and[,]

20 “[*(ii)*] **(B) [An amount not less than the increase] The annual increase,**  
21 **if any**, in moneys distributed pursuant to ORS 475B.759 (7).”.

22 On page 6, delete lines 12 through 26 and insert:

23 “**SECTION 7.** Section 7, chapter 2, Oregon Laws 2021 (Ballot Measure  
24 110 (2020)), is amended to read:

25 “**Sec. 7.** (1)(a) Within 180 days of [*the end of first biennium in which this*  
26 *Act becomes effective, and within 180 days of the end of each subsequent*  
27 *biennium*] **June 30, 2020, and every June 30 thereafter**, the [*Office of*  
28 *Economic Analysis*] **Oregon Department of Administrative Services** shall  
29 calculate the savings to the State of Oregon resulting from the [*sentence re-*  
30 *ductions set forth in section 11 to section 20*] **reductions to Class E vio-**

1 **lations for offenses described in ORS 475.752, 475.814, 475.824, 475.834,**  
2 **475.854, 475.874, 475.884 and 475.894,** including any savings resulting from  
3 reductions in arrests, incarceration and supervision.

4 “(b) The savings shall be calculated based on a comparison of the most  
5 recent biennium concluded at the time the calculation is made and the  
6 biennium [*immediately preceding the biennium in which this Act became ef-*  
7 *fective*] **beginning July 1, 2019.**

8 “(2) In making the calculations set forth in this section, the [*Office of*  
9 *Economic Analysis*] **department** shall use actual data. The [*Office of Eco-*  
10 *nomic Analysis*] **department** may use best available estimates [*where*] **when**  
11 actual data is unavailable.”.

12 In line 34, delete “Addiction Recovery”.

13 In line 35, delete “Centers” and insert “Behavioral Health Resource Net-  
14 works”.

15 In line 40, after “(1)” insert “(a)”.

16 After line 42, insert:

17 “(b) The amounts necessary for administration described in paragraph (a)  
18 of this subsection do not include expenditures to establish and maintain the  
19 telephone hotline described in section 23 (1), chapter 2, Oregon Laws 2021  
20 (Ballot Measure 110 (2020)).”.

21 On page 9, delete lines 12 through 14 and insert:

22

23 **“VIOLATION PROCEDURES**

24

25 Delete lines 25 through 45 and delete pages 10 through 15.

26 On page 16, delete lines 1 through 17 and insert:

27 **“SECTION 12.** ORS 153.018, as amended by section 19, chapter 2, Oregon  
28 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

29 “153.018. (1) The penalty for committing a violation is a fine. The law  
30 creating a violation may impose other penalties in addition to a fine but may

1 not impose a term of imprisonment.

2 “(2) Except as otherwise provided by law, the maximum fine for a vio-  
3 lation committed by an individual is:

4 “(a) \$2,000 for a Class A violation.

5 “(b) \$1,000 for a Class B violation.

6 “(c) \$500 for a Class C violation.

7 “(d) \$250 for a Class D violation.

8 “(e) \$100[, *or, in lieu of the fine, a completed health assessment as specified*  
9 *in section 2 (2)(b)(ii) or section 23 (2),*] for a Class E violation.

10 “(f) \$2,000 for a specific fine violation, or the maximum amount otherwise  
11 established by law for the specific fine violation.

12 “(3) If a special corporate fine is specified in the law creating the vio-  
13 lation, the sentence to pay a fine shall be governed by the law creating the  
14 violation. Except as otherwise provided by law, if a special corporate fine is  
15 not specified in the law creating the violation, the maximum fine for a vio-  
16 lation committed by a corporation is:

17 “(a) \$4,000 for a Class A violation.

18 “(b) \$2,000 for a Class B violation.

19 “(c) \$1,000 for a Class C violation.

20 “(d) \$500 for a Class D violation.

21 **“SECTION 13.** ORS 153.019 is amended to read:

22 “153.019. (1) Except as provided in ORS 153.020 **and sections 22 and 23,**  
23 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)),** the presumptive  
24 fines for violations are:

25 “(a) \$440 for a Class A violation.

26 “(b) \$265 for a Class B violation.

27 “(c) \$165 for a Class C violation.

28 “(d) \$115 for a Class D violation.

29 **“(e) \$100 for a Class E violation.**

30 “(2) The presumptive fine for a specific fine violation is:

1 “(a) The amount specified by statute as the presumptive fine for the vio-  
2 lation; or

3 “(b) An amount equal to the greater of 20 percent of the maximum fine  
4 prescribed for the violation, or the minimum fine prescribed by statute for  
5 the violation.

6 “(3) Any surcharge imposed under ORS 1.188 shall be added to and made  
7 a part of the presumptive fine.

8 **“SECTION 14.** ORS 153.021 is amended to read:

9 “153.021. (1) Except as otherwise provided by law, a court may not defer,  
10 waive, suspend or otherwise reduce the fine for a violation that is subject  
11 to the presumptive fines established by ORS 153.019 (1) or 153.020 to an  
12 amount that is less than:

13 “(a) \$225 for a Class A violation.

14 “(b) \$135 for a Class B violation.

15 “(c) \$85 for a Class C violation.

16 “(d) \$65 for a Class D violation.

17 **“(e) \$45 for a Class E violation.**

18 “(2) Except as otherwise provided by law, a court may not defer, waive,  
19 suspend or otherwise reduce the fine for a specific fine violation to an  
20 amount that is less than 20 percent of the presumptive fine for the violation.

21 “(3) This section does not affect the manner in which a court imposes or  
22 reduces monetary obligations other than fines.

23 “(4) The Department of Revenue or Secretary of State may audit any  
24 court to determine whether the court is complying with the requirements of  
25 this section. In addition, the Department of Revenue or Secretary of State  
26 may audit any court to determine whether the court is complying with the  
27 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Depart-  
28 ment of Revenue or Secretary of State may file an action under ORS 34.105  
29 to 34.240 to enforce the requirements of this section and of ORS 137.145 to  
30 137.159 and 153.640 to 153.680.



1        **“SECTION 15.** ORS 153.064 is amended to read:

2        “153.064. (1) Except as provided in subsection (2) of this section, a warrant  
3 for arrest may be issued against a person who fails to make a first appear-  
4 ance on a citation for a violation, or fails to appear at any other subsequent  
5 time set for trial or other appearance, only if the person is charged with  
6 failure to appear in a violation proceeding under ORS 153.992.

7        “(2) If a person fails to make a first appearance on a citation for a vio-  
8 lation **other than a Class E violation**, or fails to appear at any other sub-  
9 sequent time set for trial or other appearance **on a violation other than**  
10 **a Class E violation**, the court may issue an order that requires the defend-  
11 ant to appear and show cause why the defendant should not be held in con-  
12 tempt. The show cause order may be mailed to the defendant by certified  
13 mail, return receipt requested. If service cannot be accomplished by mail, the  
14 defendant must be personally served. If the defendant is served and fails to  
15 appear at the time specified in the show cause order, the court may issue  
16 an arrest warrant for the defendant for the purpose of bringing the defendant  
17 before the court.

18        **“SECTION 16.** ORS 153.992 is amended to read:

19        “153.992. (1) A person commits the offense of failure to appear in a vio-  
20 lation proceeding if the person has been served with a [*violation*] citation  
21 issued under this chapter **for a violation other than a Class E violation**  
22 and the person knowingly fails to do any of the following:

23        “(a) Make a first appearance in the manner required by ORS 153.061  
24 within the time allowed.

25        “(b) Make appearance at the time set for trial in the violation proceeding.

26        “(c) Appear at any other time required by the court or by law.

27        “(2) Failure to appear on a violation citation is a Class A misdemeanor.

28        **“SECTION 17.** ORS 670.280, as amended by section 21, chapter 2, Oregon  
29 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

30        “670.280. (1) As used in this section:

1       “(a) ‘License’ includes a registration, certification or permit.

2       “(b) ‘Licensee’ includes a registrant or a holder of a certification or per-  
3 mit.

4       “(2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing  
5 board, commission or agency may not deny, suspend or revoke an occupa-  
6 tional or professional license solely for the reason that the applicant or  
7 licensee has been convicted of a crime, but it may consider the relationship  
8 of the facts which support the conviction and all intervening circumstances  
9 to the specific occupational or professional standards in determining the  
10 fitness of the person to receive or hold the license. There is a rebuttable  
11 presumption as to each individual applicant or licensee that an existing or  
12 prior conviction for conduct that has been classified or reclassified as a  
13 Class E violation [*pursuant to section 11 to section 19*] does not make an ap-  
14 plicant for an occupational or professional license or a licensee with an oc-  
15 cupational or professional license unfit to receive or hold the license.

16       “(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing  
17 board, commission or agency may deny an occupational or professional li-  
18 cense or impose discipline on a licensee based on conduct that is not  
19 undertaken directly in the course of the licensed activity, but that is sub-  
20 stantially related to the fitness and ability of the applicant or licensee to  
21 engage in the activity for which the license is required. In determining  
22 whether the conduct is substantially related to the fitness and ability of the  
23 applicant or licensee to engage in the activity for which the license is re-  
24 quired, the licensing board, commission or agency shall consider the re-  
25 lationship of the facts with respect to the conduct and all intervening  
26 circumstances to the specific occupational or professional standards. There  
27 is a rebuttable presumption as to each individual applicant or licensee that  
28 an existing or prior conviction for conduct that has been classified or re-  
29 classified as a Class E violation [*pursuant to section 11 to section 19*] is not  
30 related to the fitness and ability of the applicant or licensee to engage in the

1 activity for which the license is required.

2 **“SECTION 18.** Section 19 of this 2021 Act is added to and made a  
3 **part of ORS chapter 153.**

4 **“SECTION 19.** (1) An enforcement officer issuing a citation for a  
5 **Class E violation shall provide the person receiving the citation with**  
6 **information concerning how the person may complete a screening, as**  
7 **specified in section 2 (2)(d)(B), chapter 2, Oregon Laws 2021 (Ballot**  
8 **Measure 110 (2020)), in lieu of paying a fine.**

9 **“(2) The requirement described in subsection (1) of this section may**  
10 **be satisfied by providing the person with the number for the telephone**  
11 **hotline established under section 23, chapter 2, Oregon Laws 2021**  
12 **(Ballot Measure 110 (2020)).**

13 **“SECTION 20.** Section 22, chapter 2, Oregon Laws 2021 (Ballot Measure  
14 110 (2020)), is amended to read:

15 **“Sec. 22.** *[Any person subject to the penalty set forth in ORS 153.018 (2)(e)*  
16 *for a violation that has been classified or reclassified as a Class E violation*  
17 *pursuant to section 11 to section 19, shall be fined up to \$100, but in lieu of*  
18 *the fine, may complete a health assessment, as set forth in section 2 (2)(b)(ii),*  
19 *at an Addiction Recovery Center. Upon verification that the person has re-*  
20 *ceived a health assessment at an Addiction Recovery Center within 45 days*  
21 *of when the person receives a citation for a violation subject to the penalty set*  
22 *forth in ORS 153.018 (2)(e), the fine shall be waived. Failure to pay the fine*  
23 *shall not be a basis for further penalties or for a term of incarceration.]*

24 **“(1) Notwithstanding ORS 153.018, 153.019 and 153.021, and subject**  
25 **to subsection (2) of this section, a person subject to the penalty for a**  
26 **Class E violation may, in lieu of the fine, complete a screening, as set**  
27 **forth in section 2 (2)(d)(B), chapter 2, Oregon Laws 2021 (Ballot Meas-**  
28 **ure 110 (2020)), or any other equivalent or more intensive treatment**  
29 **contact, within 45 days of when the person receives the citation for the**  
30 **Class E violation.**

1       “(2) Upon receiving verification that the person has obtained a  
2 screening or other treatment contact through a Behavioral Health  
3 Resource Network, including the telephone hotline described in section  
4 23 (1), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), within  
5 the time period described in subsection (1) of this section, the court  
6 shall dismiss the citation.

7       “(3) Failure to pay a fine on a Class E violation may not be a basis  
8 for further penalties or for a term of incarceration.

9  
10                               **“OVERSIGHT AND ADMINISTRATION**

11  
12       **“SECTION 21.** Section 23, chapter 2, Oregon Laws 2021 (Ballot Measure  
13 110 (2020)), is amended to read:

14       **“Sec. 23.** *[Implementation. (1) Not later than February 1, 2021, the Oregon*  
15 *Health Authority, Health Systems Division Behavioral Health Services shall*  
16 *establish a statewide temporary telephone Addiction Recovery Center. The*  
17 *temporary telephone Addiction Recovery Center shall be staffed twenty-four*  
18 *hours a day, seven days a week, 365 days a year. The temporary telephone*  
19 *Addiction Recovery Center shall provide the services set forth in section 2*  
20 *(2)(b)(i)-(iii) and the verification set forth in section 2 (2)(e).]*

21       *“[(2) Until such time as an Addiction Recovery Center is established in the*  
22 *coordinated care organization service area where a person subject to the pen-*  
23 *alty set forth in ORS 153.018 (2)(e) for a violation that has been classified or*  
24 *reclassified as a Class E violation pursuant to section 11 to section 19 resides,*  
25 *the person shall be fined up to \$100, but in lieu of the fine may complete a*  
26 *health assessment, as set forth in section 2 (2)(b)(ii), through the temporary*  
27 *telephone Addiction Recovery Center. Upon verification that the person has*  
28 *received a health assessment through the temporary telephone Addiction Re-*  
29 *covery Center within 45 days of when the person receives a citation for a vio-*  
30 *lation subject to the penalty set forth in ORS 153.018 (2)(e), the fine shall be*

1 *waived. Failure to pay the fine shall not be a basis for further penalties or for*  
2 *a term of incarceration.]*

3 *“(3) When an Addiction Recovery Center is established in each coordinated*  
4 *care organization service area, and not later than October 1, 2021, the tempo-*  
5 *rary telephone Addiction Recovery Center shall be terminated.]*

6 **“(1) Not later than February 1, 2021, the Oregon Health Authority**  
7 **shall establish a Behavioral Health Resource Network statewide tele-**  
8 **phone hotline to:**

9 **“(a) Provide screenings under section 2 (2)(d), chapter 2, Oregon**  
10 **Laws 2021 (Ballot Measure 110 (2020)), to any resident in this state by**  
11 **certified addiction peer support or wellness specialists, as defined by**  
12 **the authority by rule, or other qualified persons designated by the**  
13 **Oversight and Accountability Council;**

14 **“(b) Assess a caller’s need for immediate medical care or other**  
15 **treatment and determine what acute care is needed and where it can**  
16 **be provided;**

17 **“(c) Identify other needs of the caller; and**

18 **“(d) Link the caller to other appropriate local or statewide services,**  
19 **including treatment for substance abuse and other coexisting health**  
20 **problems, housing, employment, training and child care.**

21 **“(2) The telephone hotline shall be staffed 24 hours a day, seven**  
22 **days a week, every calendar day of the year. Following a screening,**  
23 **at the request of a caller, the telephone hotline shall promptly provide**  
24 **the verification set forth in section 2 (2)(g), chapter 2, Oregon Laws**  
25 **2021 (Ballot Measure 110 (2020)).**

26 **“SECTION 22.** Section 24, chapter 2, Oregon Laws 2021 (Ballot Measure  
27 110 (2020)), is amended to read:

28 **“Sec. 24. [Audits. (1) No later than December 31, 2022, and at least once**  
29 **every two years thereafter, the Oregon Secretary of State, Audits Division shall**  
30 **conduct financial and performance audits regarding the uses of the Drug**

1 *Treatment and Recovery Services Fund and the effectiveness of the fund in*  
2 *achieving the purposes of the fund and the policy objectives of this Act. The*  
3 *audit shall include:]*

4 *“(a) Data on grant programs, including:]*

5 *“(i) A list of organizations and agencies receiving moneys from the fund;]*

6 *“(ii) The amount each organization and agency received from the fund;]*

7 *“(iii) The total number of organizations and agencies that applied for*  
8 *moneys from the fund;]*

9 *“(iv) The moneys that remained in the fund after funds were disbursed;]*

10 *“(v) The moneys used to administer the programs selected by the fund;]*

11 *“(vi) The effectiveness of the grants in increasing access to substance use*  
12 *disorder treatment, peer support and recovery services, harm reduction inter-*  
13 *ventions as well as housing placement, and any other relevant outcome meas-*  
14 *ures;]*

15 *“(b) Data on Addiction Recovery Centers, including:]*

16 *“(i) The outcomes of each center, including, but not limited to, the number*  
17 *of clients with substance use disorder served by each center, the average du-*  
18 *ration of client participation, and client outcomes, including rates of*  
19 *recidivism, substance use disorder treatment completion, ability to obtain*  
20 *housing, employment, and legitimate income;]*

21 *“(ii) The number of people seeking assistance from the center who are de-*  
22 *nied or not connected to substance use disorder treatment and other services,*  
23 *and the reasons for such denials;]*

24 *“(iii) The average wait time it takes for people at the center to be able to*  
25 *fulfill their individual intervention plan and the reason for any delays, such*  
26 *as waiting lists at referred services;]*

27 *“(iv) The total amount of money disbursed to each center.]*

28 *“(c) Data on implementation, including, the number of citations for Class*  
29 *E violations issued and the race of the person receiving a citation for a Class*  
30 *E violation;]*

1        “[2) *The audits set forth in subsection (a) of this section shall be conducted*  
2 *pursuant to the provisions of Oregon Revised Statutes Chapter 297 (and any*  
3 *subsequent modifications or amendments to those statutes), except to the extent*  
4 *any provision of chapter 297 conflicts with any provision of this Act , in which*  
5 *case the provisions of this Act shall control.*]

6        “[3) *The Audits Division shall monitor and report annually on agency*  
7 *progress in implementing recommendations made in the audits. The Audits*  
8 *Division shall follow up on recommendations as part of recurring audit work*  
9 *or as an activity separate from other audit activity. When following up on*  
10 *recommendations, the Audits Division may request from the appropriate agency*  
11 *evidence of implementation.*]

12        **“(1) The Division of Audits of the office of the Secretary of State**  
13 **shall conduct performance audits and financial reviews as provided in**  
14 **this section, regarding the uses of the Drug Treatment and Recovery**  
15 **Services Fund and the effectiveness of the fund in achieving the pur-**  
16 **poses of the fund and the policy objectives of section 1, chapter 2,**  
17 **Oregon Laws 2021 (Ballot Measure 110 (2020)). Recipients of grants or**  
18 **funds under section 2, chapter 2, Oregon Laws 2021 (Ballot Measure**  
19 **110 (2020)), shall keep accurate books, records and accounts that are**  
20 **subject to inspection and audit by the division.**

21        **“(2) No later than two years after the completion of an audit or fi-**  
22 **nancial review, the division shall monitor and report on the progress**  
23 **in implementing any recommendations made in the audit or financial**  
24 **review. The division shall follow up on recommendations as part of**  
25 **recurring audit work or as an activity separate from other audit ac-**  
26 **tivity. When following up on recommendations, the division may re-**  
27 **quest from the appropriate agency evidence of implementation.**

28        **“(3) The audits set forth in this section shall be conducted pursuant**  
29 **to the provisions of ORS chapter 297, except to the extent any pro-**  
30 **vision of ORS chapter 297 conflicts with any provision of sections 1 to**

1 **9, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), in which**  
2 **case the provisions of sections 1 to 9, chapter 2, Oregon Laws 2021**  
3 **(Ballot Measure 110 (2020)), shall control.**

4 **“(4) No later than December 31, 2023, the division shall perform a:**

5 **“(a) Real-time audit, as prescribed by the division, which shall in-**  
6 **clude an assessment of the relationship between the Oversight and**  
7 **Accountability Council and the Oregon Health Authority, the re-**  
8 **lationship between the council and recipients of grants or funding and**  
9 **the structural integrity of sections 1 to 9, chapter 2, Oregon Laws 2021**  
10 **(Ballot Measure 110 (2020)), including but not limited to assessing:**

11 **“(A) Whether the organizational structure of the council contains**  
12 **conflicts or problems.**

13 **“(B) Whether the rules adopted by the council are clear and func-**  
14 **tioning properly.**

15 **“(C) Whether the council has sufficient authority and independence**  
16 **to achieve the council’s mission.**

17 **“(D) Whether the authority is fulfilling authority’s duties under**  
18 **sections 3, 4, 5, 9 and 23, chapter 2, Oregon Laws 2021 (Ballot Measure**  
19 **110 (2020)).**

20 **“(E) Whether there are conflicts of interest in the process of**  
21 **awarding grants or funding.**

22 **“(F) Whether there are opportunities to expand collaboration be-**  
23 **tween the council and state agencies.**

24 **“(G) Whether barriers exist in data collection and evaluation**  
25 **mechanisms.**

26 **“(H) Who is providing the data.**

27 **“(I) Other areas identified by the division.**

28 **“(b) Financial review, which shall include an assessment of the**  
29 **following:**

30 **“(A) The functioning of the grants and funding systems between the**



1 **council, the authority and recipients of grants or funding, including**  
2 **by gathering information on who is receiving what grants and funding,**  
3 **the process of applying for the grants and funding and whether that**  
4 **process is conducive to obtaining qualified applicants and applicants**  
5 **from communities of color.**

6 **“(B) Whether grants and funding are going to organizations that**  
7 **are culturally responsive and linguistically specific, including an as-**  
8 **essment of:**

9 **“(i) The barriers that exist for grant and funding applicants who**  
10 **are Black, Indigenous or People of Color.**

11 **“(ii) The applicants that were denied and why.**

12 **“(iii) Whether grants and other funding are being disbursed based**  
13 **on the priorities specified in section 2, chapter 2, Oregon Laws 2021**  
14 **(Ballot Measure 110 (2020)).**

15 **“(iv) For government entities receiving grants or funding under**  
16 **section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), the**  
17 **government entities’ subgrantees and whether the governmental en-**  
18 **tity supplanted or decreased any local funding dedicated to the same**  
19 **services after receiving grants or funds under section 2, chapter 2,**  
20 **Oregon Laws 2021 (Ballot Measure 110 (2020)).**

21 **“(v) Whether the authority has stayed within its administrative**  
22 **spending cap.**

23 **“(vi) What proportion of grants or funds received by grantees and**  
24 **others under section 2, chapter 2, Oregon Laws 2021 (Ballot Measure**  
25 **110 (2020)), was devoted to administrative costs.**

26 **“(C) The organizations and agencies receiving grants or funding**  
27 **under section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110**  
28 **(2020)), and:**

29 **“(i) Which of the organizations and agencies are Behavioral Health**  
30 **Resource Network entities.**

1       “(ii) The amount each organization and agency received.

2       “(iii) The total number of organizations and agencies that applied  
3 for grants or funding.

4       “(iv) The amount of moneys from the fund that were used to ad-  
5 minister the programs selected by the council.

6       “(v) The moneys that remained in the Drug Treatment and Recov-  
7 ery Services Fund after grants and funding were disbursed.

8       “(vi) A performance assessment of each grant or funding recipient.

9       “(D) Other areas identified by the division.

10       “(5) No later than December 31, 2024, the division shall conduct a  
11 performance audit, which must include an assessment of the follow-  
12 ing:

13       “(a) All relevant data regarding the implementation of sections 22  
14 and 23, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), in-  
15 cluding demographic information on individuals who receive citations  
16 subject to sections 22 and 23, chapter 2, Oregon Laws 2021 (Ballot  
17 Measure 110 (2020)), and whether the citations resulted in connecting  
18 the individuals with treatment.

19       “(b) The functioning of:

20       “(A) Law enforcement and the courts in relation to Class E vio-  
21 lation citations;

22       “(B) The telephone hotline operated by the authority; and

23       “(C) Entities providing verification of screenings under section 2,  
24 chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).

25       “(c) Disparities shown by demographic data and whether the cita-  
26 tion data reveals a disproportionate use of citations in communities  
27 most impacted by the war on drugs.

28       “(d) Whether sections 2, 22 and 23, chapter 2, Oregon Laws 2021  
29 (Ballot Measure 110 (2020)), reduce the involvement in the criminal  
30 justice system of individuals with drug addiction.

1       **“(e) Outcomes for individuals receiving treatment and other social**  
2 **services under section 2, chapter 2, Oregon Laws 2021 (Ballot Measure**  
3 **110 (2020)), including, but not limited to, the following:**

4       **“(A) Whether access to care increased since December 3, 2020, and,**  
5 **if data is available, whether, since December 3, 2020:**

6       **“(i) The number of drug and alcohol treatment service providers**  
7 **increased.**

8       **“(ii) The number of culturally specific providers increased.**

9       **“(iii) Overdose rates have decreased.**

10       **“(iv) Access to harm reduction services has increased.**

11       **“(v) More individuals are accessing treatment than they were before**  
12 **December 3, 2020.**

13       **“(vi) Access to housing for individuals with substance use disorder**  
14 **has increased.**

15       **“(B) Data on Behavioral Health Resource Networks and recipients**  
16 **of grants and funding under section 2, chapter 2, Oregon Laws 2021**  
17 **(Ballot Measure 110 (2020)), including:**

18       **“(i) The outcomes of each network or recipient, including but not**  
19 **limited to the number of clients with substance use disorder receiving**  
20 **services from each network or recipient, the average duration of client**  
21 **participation and client outcomes.**

22       **“(ii) The number of individuals seeking assistance from the network**  
23 **or recipients who are denied or not connected to substance use disor-**  
24 **der treatment and other services, and the reasons for the denials.**

25       **“(iii) The average time it takes for clients to access services and**  
26 **fulfill their individual intervention plan and the reason for any delays,**  
27 **such as waiting lists at referred services.**

28       **“(iv) Whether average times to access services to which clients are**  
29 **referred, such as housing or medically assisted treatment, has de-**  
30 **creased over time since December 3, 2020.**

1       “(v) Demographic data on clients served by Behavioral Health Re-  
2 source Networks, including self-reported demographic data on race,  
3 ethnicity, gender and age.

4       “(6) After the initial audit and financial review under subsection (4)  
5 of this section, the division shall conduct periodic performance audits  
6 and financial reviews pursuant to the division’s annual audit plan and  
7 taking into consideration the risks of the program.

8  
9                               “STATEMENT OF ECONOMIC INTEREST

10  
11       “SECTION 23. ORS 244.050 is amended to read:

12       “244.050. (1) On or before April 15 of each year the following persons shall  
13 file with the Oregon Government Ethics Commission a verified statement of  
14 economic interest as required under this chapter:

15       “(a) The Governor, Secretary of State, State Treasurer, Attorney General,  
16 Commissioner of the Bureau of Labor and Industries, district attorneys and  
17 members of the Legislative Assembly.

18       “(b) Any judicial officer, including justices of the peace and municipal  
19 judges, except any pro tem judicial officer who does not otherwise serve as  
20 a judicial officer.

21       “(c) Any candidate for a public office designated in paragraph (a) or (b)  
22 of this subsection.

23       “(d) The Deputy Attorney General.

24       “(e) The Deputy Secretary of State.

25       “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-  
26 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-  
27 tary of the Senate, the Chief Clerk of the House of Representatives and the  
28 Legislative Equity Officer.

29       “(g) The president and vice presidents, or their administrative equiv-  
30 alents, in each public university listed in ORS 352.002.

- 1       “(h) The following state officers:
- 2       “(A) Adjutant General.
- 3       “(B) Director of Agriculture.
- 4       “(C) Manager of State Accident Insurance Fund Corporation.
- 5       “(D) Water Resources Director.
- 6       “(E) Director of Department of Environmental Quality.
- 7       “(F) Director of Oregon Department of Administrative Services.
- 8       “(G) State Fish and Wildlife Director.
- 9       “(H) State Forester.
- 10       “(I) State Geologist.
- 11       “(J) Director of Human Services.
- 12       “(K) Director of the Department of Consumer and Business Services.
- 13       “(L) Director of the Department of State Lands.
- 14       “(M) State Librarian.
- 15       “(N) Administrator of Oregon Liquor Control Commission.
- 16       “(O) Superintendent of State Police.
- 17       “(P) Director of the Public Employees Retirement System.
- 18       “(Q) Director of Department of Revenue.
- 19       “(R) Director of Transportation.
- 20       “(S) Public Utility Commissioner.
- 21       “(T) Director of Veterans’ Affairs.
- 22       “(U) Executive director of Oregon Government Ethics Commission.
- 23       “(V) Director of the State Department of Energy.
- 24       “(W) Director and each assistant director of the Oregon State Lottery.
- 25       “(X) Director of the Department of Corrections.
- 26       “(Y) Director of the Oregon Department of Aviation.
- 27       “(Z) Executive director of the Oregon Criminal Justice Commission.
- 28       “(AA) Director of the Oregon Business Development Department.
- 29       “(BB) Director of the Office of Emergency Management.
- 30       “(CC) Director of the Employment Department.

- 1 “(DD) Chief of staff for the Governor.
- 2 “(EE) Director of the Housing and Community Services Department.
- 3 “(FF) State Court Administrator.
- 4 “(GG) Director of the Department of Land Conservation and Development.
- 5 “(HH) Board chairperson of the Land Use Board of Appeals.
- 6 “(II) State Marine Director.
- 7 “(JJ) Executive director of the Oregon Racing Commission.
- 8 “(KK) State Parks and Recreation Director.
- 9 “(LL) Public defense services executive director.
- 10 “(MM) Chairperson of the Public Employees’ Benefit Board.
- 11 “(NN) Director of the Department of Public Safety Standards and Train-  
12 ing.
- 13 “(OO) Executive director of the Higher Education Coordinating Commis-  
14 sion.
- 15 “(PP) Executive director of the Oregon Watershed Enhancement Board.
- 16 “(QQ) Director of the Oregon Youth Authority.
- 17 “(RR) Director of the Oregon Health Authority.
- 18 “(SS) Deputy Superintendent of Public Instruction.
- 19 “(i) The First Partner, the legal counsel, the deputy legal counsel and all  
20 policy advisors within the Governor’s office.
- 21 “(j) Every elected city or county official.
- 22 “(k) Every member of a city or county planning, zoning or development  
23 commission.
- 24 “(L) The chief executive officer of a city or county who performs the du-  
25 ties of manager or principal administrator of the city or county.
- 26 “(m) Members of local government boundary commissions formed under  
27 ORS 199.410 to 199.519.
- 28 “(n) Every member of a governing body of a metropolitan service district  
29 and the auditor and executive officer thereof.
- 30 “(o) Each member of the board of directors of the State Accident Insur-

1 ance Fund Corporation.

2 “(p) The chief administrative officer and the financial officer of each  
3 common and union high school district, education service district and com-  
4 munity college district.

5 “(q) Every member of the following state boards, [*and*] commissions **and**  
6 **councils:**

7 “(A) Governing board of the State Department of Geology and Mineral  
8 Industries.

9 “(B) Oregon Business Development Commission.

10 “(C) State Board of Education.

11 “(D) Environmental Quality Commission.

12 “(E) Fish and Wildlife Commission of the State of Oregon.

13 “(F) State Board of Forestry.

14 “(G) Oregon Government Ethics Commission.

15 “(H) Oregon Health Policy Board.

16 “(I) Oregon Investment Council.

17 “(J) Land Conservation and Development Commission.

18 “(K) Oregon Liquor Control Commission.

19 “(L) Oregon Short Term Fund Board.

20 “(M) State Marine Board.

21 “(N) Mass transit district boards.

22 “(O) Energy Facility Siting Council.

23 “(P) Board of Commissioners of the Port of Portland.

24 “(Q) Employment Relations Board.

25 “(R) Public Employees Retirement Board.

26 “(S) Oregon Racing Commission.

27 “(T) Oregon Transportation Commission.

28 “(U) Water Resources Commission.

29 “(V) Workers’ Compensation Board.

30 “(W) Oregon Facilities Authority.

1 “(X) Oregon State Lottery Commission.

2 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-  
3 cil.

4 “(Z) Columbia River Gorge Commission.

5 “(AA) Oregon Health and Science University Board of Directors.

6 “(BB) Capitol Planning Commission.

7 “(CC) Higher Education Coordinating Commission.

8 “(DD) Oregon Growth Board.

9 “(EE) Early Learning Council.

10 **“(FF) The Oversight and Accountability Council.**

11 “(r) The following officers of the State Treasurer:

12 “(A) Deputy State Treasurer.

13 “(B) Chief of staff for the office of the State Treasurer.

14 “(C) Director of the Investment Division.

15 “(s) Every member of the board of commissioners of a port governed by  
16 ORS 777.005 to 777.725 or 777.915 to 777.953.

17 “(t) Every member of the board of directors of an authority created under  
18 ORS 441.525 to 441.595.

19 “(u) Every member of a governing board of a public university listed in  
20 ORS 352.002.

21 “(v) Every member of the board of directors of an authority created under  
22 ORS 465.600 to 465.621.

23 “(2) By April 15 next after the date an appointment takes effect, every  
24 appointed public official on a board or commission listed in subsection (1)  
25 of this section shall file with the Oregon Government Ethics Commission a  
26 statement of economic interest as required under ORS 244.060, 244.070 and  
27 244.090.

28 “(3) By April 15 next after the filing deadline for the primary election,  
29 each candidate described in subsection (1) of this section shall file with the  
30 commission a statement of economic interest as required under ORS 244.060,



1 244.070 and 244.090.

2 “(4) Not later than the 40th day before the date of the statewide general  
3 election, each candidate described in subsection (1) of this section who will  
4 appear on the statewide general election ballot and who was not required to  
5 file a statement of economic interest under subsections (1) to (3) of this  
6 section shall file with the commission a statement of economic interest as  
7 required under ORS 244.060, 244.070 and 244.090.

8 “(5) Subsections (1) to (3) of this section apply only to persons who are  
9 incumbent, elected or appointed public officials as of April 15 and to persons  
10 who are candidates on April 15.

11 “(6) If a statement required to be filed under this section has not been  
12 received by the commission within five days after the date the statement is  
13 due, the commission shall notify the public official or candidate and give the  
14 public official or candidate not less than 15 days to comply with the re-  
15 quirements of this section. If the public official or candidate fails to comply  
16 by the date set by the commission, the commission may impose a civil pen-  
17 alty as provided in ORS 244.350.

18

19 **“REPORT TO LEGISLATIVE ASSEMBLY**

20

21 **“SECTION 24. No later than September 15, 2023, and each calendar**  
22 **quarter thereafter, the Oregon Health Authority shall report to the**  
23 **Legislative Assembly, in the manner provided in ORS 192.245, how**  
24 **funds from the Drug Treatment and Recovery Services Fund were**  
25 **spent for the period beginning December 3, 2020, and ending June 30,**  
26 **2023.**

27

28 **“JUVENILE COURTS**

29

30 **“SECTION 25. ORS 419C.370 is amended to read:**

1 “419C.370. (1) The juvenile court may enter an order directing that all  
2 cases involving:

3 “(a) Violation of a law or ordinance relating to the use or operation of  
4 a motor vehicle, boating laws or game laws be waived to criminal or mu-  
5 nicipal court;

6 “(b) An offense classified as a violation **other than a Class E violation**  
7 under the laws of this state or a political subdivision of this state be waived  
8 to municipal court if the municipal court has agreed to accept jurisdiction;  
9 and

10 “(c) A misdemeanor that entails theft, destruction, tampering with or  
11 vandalism of property be waived to municipal court if the municipal court  
12 has agreed to accept jurisdiction.

13 “(2) Cases waived under subsection (1) of this section are subject to the  
14 following:

15 “(a) That the criminal or municipal court prior to hearing a case, other  
16 than a case involving a parking violation, in which the defendant is or ap-  
17 pears to be under 18 years of age notify the juvenile court of that fact; and

18 “(b) That the juvenile court may direct that any such case be waived to  
19 the juvenile court for further proceedings.

20 “(3)(a) When a person who has been waived under subsection (1)(c) of this  
21 section is convicted of a property offense, the municipal court may impose  
22 any sanction authorized for the offense except for incarceration. The munic-  
23 ipal court shall notify the juvenile court of the disposition of the case.

24 “(b) When a person has been waived under subsection (1) of this section  
25 and fails to appear as summoned or is placed on probation and is alleged to  
26 have violated a condition of the probation, the juvenile court may recall the  
27 case to the juvenile court for further proceedings. When a person has been  
28 returned to juvenile court under this paragraph, the juvenile court may  
29 proceed as though the person had failed to appear as summoned to the ju-  
30 venile court or had violated a juvenile court probation order under ORS

1 419C.446.

2 “(4) Records of cases waived under subsection (1)(c) of this section are  
3 juvenile records for purposes of expunction under ORS 419A.260.

4 **“SECTION 26. Section 27 of this 2021 Act is added to and made a  
5 part of ORS chapter 419C.**

6 **“SECTION 27. (1) Except as provided in subsection (2) of this sec-  
7 tion, if a youth is within the jurisdiction of the court for having  
8 committed an act that, if committed by an adult, would constitute a  
9 Class E violation, the court shall proceed in accordance with section  
10 22, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).**

11 **“(2) In addition to and not in lieu of any other penalty established  
12 by law, the court may order a youth described in subsection (1) of this  
13 section to undergo assessment and treatment.**

14

15 **“MUNICIPAL AND JUSTICE COURTS**

16

17 **“SECTION 28. ORS 51.050 is amended to read:**

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

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

1 “(3) A justice court does not have jurisdiction over the trial of any felony  
2 or a designated drug-related misdemeanor as defined in ORS 423.478. **A jus-**  
3 **tice court does not have jurisdiction over Class E violations.** Except as  
4 provided in ORS 51.037, a justice court does not have jurisdiction over of-  
5 fenses created by the charter or ordinance of any city.

6 **“SECTION 29.** ORS 221.339 is amended to read:

7 “221.339. (1) A municipal court has concurrent jurisdiction with circuit  
8 courts and justice courts over all violations committed or triable in the city  
9 where the court is located.

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

15 “(3) Municipal courts have no jurisdiction over felonies, [or] designated  
16 drug-related misdemeanors as defined in ORS 423.478 **or Class E**  
17 **violations.**

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

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

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

25 “(5) Subject to the powers and duties of the Attorney General under ORS  
26 180.060, the city attorney has authority to prosecute a violation of any of-  
27 fense created by statute that is subject to the jurisdiction of a municipal  
28 court, including any appeal, if the offense is committed or triable in the city.  
29 The prosecution shall be in the name of the state. The city attorney shall  
30 have all powers of a district attorney in prosecutions under this subsection.

1 **“SECTION 30. Notwithstanding the amendments to ORS 51.050 and**  
2 **221.339 by sections 28 and 29 of this 2021 Act:**

3 **“(1) A municipal court or justice court with Class E violation pro-**  
4 **ceeding pending before the court on the effective date of this 2021 Act**  
5 **may continue to exercise jurisdiction over the proceeding in accord-**  
6 **ance with section 22, chapter 2, Oregon Laws 2021 (Ballot Measure 110**  
7 **(2020)).**

8 **“(2) A judgment of a municipal court or justice court adjudicating**  
9 **a Class E violation prior to the effective date of this 2021 Act is vali-**  
10 **dated.**

11  
12 **“CRIMINAL FINE ACCOUNT**

13  
14 **“SECTION 31.** ORS 137.300 is amended to read:

15 **“137.300. (1) The Criminal Fine Account is established in the General**  
16 **Fund. Except as otherwise provided by law, all amounts collected in state**  
17 **courts as monetary obligations in criminal actions shall be deposited by the**  
18 **courts in the account. All moneys in the account are continuously appro-**  
19 **priated to the Department of Revenue to be distributed by the Department**  
20 **of Revenue as provided in this section. The Department of Revenue shall**  
21 **keep a record of moneys transferred into and out of the account.**

22 **“(2) The Legislative Assembly shall first allocate moneys from the Crim-**  
23 **inal Fine Account for the following purposes, in the following order of pri-**  
24 **ority:**

25 **“(a) Allocations for public safety standards, training and facilities.**

26 **“(b) Allocations for criminal injuries compensation and assistance to**  
27 **victims of crime and children reasonably suspected of being victims of crime.**

28 **“(c) Allocations for the forensic services provided by the Oregon State**  
29 **Police, including, but not limited to, services of the Chief Medical Examiner.**

30 **“(d) Allocations for the maintenance and operation of the Law Enforce-**

1 ment Data System.

2 “(3) After making allocations under subsection (2) of this section, the  
3 Legislative Assembly shall allocate moneys from the Criminal Fine Account  
4 for the following purposes:

5 “(a) Allocations to the Law Enforcement Medical Liability Account es-  
6 tablished under ORS 414.815.

7 “(b) Allocations to the State Court Facilities and Security Account es-  
8 tablished under ORS 1.178.

9 “(c) Allocations to the Department of Corrections for the purpose of  
10 planning, operating and maintaining county juvenile and adult corrections  
11 programs and facilities and drug and alcohol programs.

12 “(d) Allocations to the Oregon Health Authority for the purpose of grants  
13 under ORS 430.345 for the establishment, operation and maintenance of al-  
14 cohool and drug abuse prevention, early intervention and treatment services  
15 provided through a county.

16 “(e) Allocations to the Oregon State Police for the purpose of the  
17 enforcement of the laws relating to driving under the influence of  
18 intoxicants.

19 “(f) Allocations to the Arrest and Return Account established under ORS  
20 133.865.

21 “(g) Allocations to the Intoxicated Driver Program Fund established un-  
22 der ORS 813.270.

23 “(h) Allocations to the State Court Technology Fund established under  
24 ORS 1.012.

25 **“(4) Notwithstanding subsections (2) and (3) of this section, the**  
26 **Legislative Assembly shall allocate all moneys deposited into the**  
27 **Criminal Fine Account as payment of fines on Class E violations to**  
28 **the Drug Treatment and Recovery Services Fund established under**  
29 **section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).**

30 “[4] (5) It is the intent of the Legislative Assembly that allocations from

1 the Criminal Fine Account under subsection (3) of this section be consistent  
2 with historical funding of the entities, programs and accounts listed in sub-  
3 section (3) of this section from monetary obligations imposed in criminal  
4 proceedings. Amounts that are allocated under subsection (3)(c) of this sec-  
5 tion shall be distributed to counties based on the amounts that were trans-  
6 ferred to counties by circuit courts during the 2009-2011 biennium under the  
7 provisions of ORS 137.308, as in effect January 1, 2011.

8 “[5] (6) Moneys in the Criminal Fine Account may not be allocated for  
9 the payment of debt service obligations.

10 “[6] (7) The Department of Revenue shall deposit in the General Fund  
11 all moneys remaining in the Criminal Fine Account after the distributions  
12 listed in subsections (2), [and] (3) **and** (4) of this section have been made.

13 “[7] (8) The Department of Revenue shall establish by rule a process for  
14 distributing moneys in the Criminal Fine Account. The department may not  
15 distribute more than one-eighth of the total biennial allocation to an entity  
16 during a calendar quarter.

17

18 **“UNIFORM CONTROLLED SUBSTANCES ACT CHANGES**

19

20 **“SECTION 32.** ORS 475.752, as amended by section 11, chapter 2, Oregon  
21 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

22 “475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752  
23 to 475.980, it is unlawful for any person to manufacture or deliver a con-  
24 trolled substance. Any person who violates this subsection with respect to:

25 “(a) A controlled substance in Schedule I, is guilty of a Class A felony,  
26 except as otherwise provided in ORS 475.886 and 475.890.

27 “(b) A controlled substance in Schedule II, is guilty of a Class B felony,  
28 except as otherwise provided in ORS 475.878, 475.880, 475.882, 475.904 and  
29 475.906.

30 “(c) A controlled substance in Schedule III, is guilty of a Class C felony,

1 except as otherwise provided in ORS 475.904 and 475.906.

2 “(d) A controlled substance in Schedule IV, is guilty of a Class B  
3 misdemeanor.

4 “(e) A controlled substance in Schedule V, is guilty of a Class C  
5 misdemeanor.

6 “(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980,  
7 it is unlawful for any person to create or deliver a counterfeit substance.

8 Any person who violates this subsection with respect to:

9 “(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

10 “(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

11 “(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

12 “(d) A counterfeit substance in Schedule IV, is guilty of a Class B  
13 misdemeanor.

14 “(e) A counterfeit substance in Schedule V, is guilty of a Class C  
15 misdemeanor.

16 “(3) It is unlawful for any person knowingly or intentionally to possess  
17 a controlled substance unless the substance was obtained directly from, or  
18 pursuant to a valid prescription or order of, a practitioner while acting in  
19 the course of professional practice, or except as otherwise authorized by ORS  
20 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this sub-  
21 section with respect to:

22 “(a) A controlled substance in Schedule I, is guilty of a Class E violation,  
23 except as otherwise provided in ORS 475.854, 475.874 and 475.894 and sub-  
24 section (7) of this section.

25 “(b) A controlled substance in Schedule II, is guilty of a Class E vio-  
26 lation, except as otherwise provided in ORS **475.814**, 475.824, 475.834 or  
27 475.884 or subsection (8) of this section.

28 “(c) A controlled substance in Schedule III, is guilty of a Class E vio-  
29 lation.

30 “(d) A controlled substance in Schedule IV, is guilty of a Class E vio-



1 lation.

2 “(e) A controlled substance in Schedule V, is guilty of a violation.

3 “(4) **It is an affirmative defense** in any prosecution under this section  
4 for manufacture, possession or delivery of [*that*] **the** plant of the genus  
5 *Lophophora* commonly known as peyote[, *it is an affirmative defense*] that the  
6 peyote is being used or is intended for use:

7 “(a) In connection with the good faith practice of a religious belief;

8 “(b) As directly associated with a religious practice; and

9 “(c) In a manner that is not dangerous to the health of the user or others  
10 who are in the proximity of the user.

11 “(5) The affirmative defense created in subsection (4) of this section is  
12 not available to any person who has possessed or delivered the peyote while  
13 incarcerated in a correctional facility in this state.

14 “(6)(a) Notwithstanding subsection (1) of this section, a person who un-  
15 lawfully manufactures or delivers a controlled substance in Schedule IV and  
16 who thereby causes death to another person is guilty of a Class C felony.

17 “(b) For purposes of this subsection, causation is established when the  
18 controlled substance plays a substantial role in the death of the other per-  
19 son.

20 “[*(7)(a) Notwithstanding subsection (3)(a) of this section, unlawful pos-*  
21 *session of a controlled substance in Schedule I is a Class B felony if the pos-*  
22 *session is a commercial drug offense under ORS 475.900 (1)(b).]*

23 “[*(b) Notwithstanding subsection (3)(a) of this section and except as pro-*  
24 *vided in ORS 475.900 (1)(b), unlawful possession of a controlled substance in*  
25 *Schedule I is a Class A misdemeanor if 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 detect-*  
29 *able amount of psilocybin or psilocin.]*

30 “(7) **Notwithstanding subsection (3)(a) of this section:**

1       “(a) Unlawful possession of a controlled substance in Schedule I is  
2 a Class A misdemeanor if the person possesses:

3       “(A) Forty or more user units of a mixture or substance containing  
4 a detectable amount of lysergic acid diethylamide; or

5       “(B) Twelve grams or more of a mixture or substance containing a  
6 detectable amount of psilocybin or psilocin.

7       “(b) Unlawful possession of a controlled substance in Schedule I is  
8 a Class B felony if:

9       “(A) The possession is a commercial drug offense under ORS 475.900  
10 (1)(b); or

11       “(B) The person possesses a substantial quantity under ORS 475.900  
12 (2)(b).

13       “(8) Notwithstanding subsection (3)(b) of this section, unlawful possession  
14 of a controlled substance in Schedule II is a Class C felony if:

15       “(a) The possession is a commercial drug offense under ORS 475.900  
16 (1)(b)[.]; or

17       “(b) The person possesses a substantial quantity under ORS 475.900  
18 (2)(b).

19       “**SECTION 33.** ORS 475.814 is amended to read:

20       “475.814. (1) It is unlawful for any person knowingly or intentionally to  
21 possess hydrocodone unless the hydrocodone was obtained directly from, or  
22 pursuant to[,] a valid prescription or order of, a practitioner while acting in  
23 the course of professional practice, or except as otherwise authorized by ORS  
24 475.005 to 475.285 and 475.752 to 475.980.

25       “(2)(a) Unlawful possession of hydrocodone is a [*Class A misdemeanor*]  
26 **Class E violation.**

27       “(b) Notwithstanding paragraph (a) of this subsection, unlawful  
28 possession of hydrocodone is a Class A misdemeanor if:

29       “(A) The possession is a commercial drug offense under ORS 475.900  
30 (1)(b); or

1       **“(B) The person possesses 40 or more pills, tablets, capsules or user**  
2 **units of a mixture or substance containing a detectable amount of**  
3 **hydrocodone.**

4       **“SECTION 34.** ORS 475.824, as amended by section 12, chapter 2, Oregon  
5 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

6       “475.824. (1) It is unlawful for any person knowingly or intentionally to  
7 possess methadone unless the methadone was obtained directly from, or  
8 pursuant to[,] a valid prescription or order of, a practitioner while acting in  
9 the course of professional practice, or except as otherwise authorized by ORS  
10 475.005 to 475.285 and 475.752 to 475.980.

11       “(2)(a) Unlawful possession of methadone is a Class E violation.

12       “*[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
13 *of methadone is a Class C felony if the possession is a commercial drug offense*  
14 *under ORS 475.900 (1)(b).]*

15       “*[(c) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
16 *of methadone is a Class A misdemeanor if the person possesses 40 or more user*  
17 *units of a mixture or substance containing a detectable amount of*  
18 *methadone.]*

19       **“(b) Notwithstanding paragraph (a) of this subsection, unlawful**  
20 **possession of methadone is a Class A misdemeanor if the person pos-**  
21 **sesses 40 or more user units of a mixture or substance containing a**  
22 **detectable amount of methadone.**

23       **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
24 **lawful possession of methadone is a Class C felony if the possession is**  
25 **a commercial drug offense under ORS 475.900 (1)(b).**

26       **“SECTION 35.** ORS 475.834, as amended by section 13, chapter 2, Oregon  
27 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

28       “475.834. (1) It is unlawful for any person knowingly or intentionally to  
29 possess oxycodone unless the oxycodone was obtained directly from, or pur-  
30 suant to[,] a valid prescription or order of, a practitioner while acting in the

1 course of professional practice, or except as otherwise authorized by ORS  
2 475.005 to 475.285 and 475.752 to 475.980.

3 “(2)(a) Unlawful possession of oxycodone is a Class E violation.

4 “[*(b) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
5 *of oxycodone is a Class C felony if the possession is a commercial drug offense*  
6 *under ORS 475.900 (1)(b).*]

7 “[*(c) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
8 *of oxycodone is a Class A misdemeanor if the person possesses 40 or more pills,*  
9 *tablets or capsules of a mixture or substance containing a detectable amount*  
10 *of oxycodone.*]

11 “**(b) Notwithstanding paragraph (a) of this subsection, unlawful**  
12 **possession of oxycodone is a Class A misdemeanor if the person pos-**  
13 **sesses 40 or more pills, tablets, capsules or user units of a mixture or**  
14 **substance containing a detectable amount of oxycodone.**

15 “**(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
16 **lawful possession of oxycodone is a Class C felony if the possession is**  
17 **a commercial drug offense under ORS 475.900 (1)(b).**

18 “**SECTION 36.** ORS 475.854, as amended by section 14, chapter 2, Oregon  
19 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

20 “475.854. (1) It is unlawful for any person knowingly or intentionally to  
21 possess heroin.

22 “(2)(a) Unlawful possession of heroin is a Class E violation.

23 “[*(b) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
24 *of heroin is a Class B felony if the possession is a commercial drug offense*  
25 *under ORS 475.900 (1)(b).*]

26 “[*(c) Notwithstanding paragraph (a) of this subsection and except as pro-*  
27 *vided in ORS 475.900 (1)(b), unlawful possession of heroin is a Class A*  
28 *misdemeanor if the person possesses one gram or more of a mixture or sub-*  
29 *stance containing a detectable amount of heroin.*]

30 “**(b) Notwithstanding paragraph (a) of this subsection, unlawful**

1 **possession of heroin is a Class A misdemeanor if the person possesses**  
2 **one gram or more of a mixture or substance containing a detectable**  
3 **amount of heroin.**

4 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
5 **lawful possession of heroin is a Class B felony if:**

6 **“(A) The possession is a commercial drug offense under ORS 475.900**  
7 **(1)(b); or**

8 **“(B) The person possesses a substantial quantity under ORS 475.900**  
9 **(2)(b).**

10 **“SECTION 37.** ORS 475.874, as amended by section 15, chapter 2, Oregon  
11 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

12 **“475.874. (1) It is unlawful for any person knowingly or intentionally to**  
13 **possess 3,4-methylenedioxymethamphetamine.**

14 **“(2)(a) Unlawful possession of 3,4-methylenedioxymethamphetamine is a**  
15 **Class E violation.**

16 **“[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession**  
17 **of 3,4-methylenedioxymethamphetamine is a Class B felony if the possession is**  
18 **a commercial drug offense under ORS 475.900 (1)(b).]**

19 **“[(c) Notwithstanding paragraph (a) of this subsection and except as pro-**  
20 **vided in ORS 475.900 (1)(b), unlawful possession of**  
21 **methylenedioxymethamphetamine is a Class A misdemeanor if the person pos-**  
22 **sesses one gram or more or five or more pills, tablets or capsules of a mixture**  
23 **or substance containing a detectable amount of:]**

24 **“[(A) 3,4-methylenedioxyamphetamine;]**

25 **“[(B) 3,4-methylenedioxymethamphetamine; or]**

26 **“[(C) 3,4-methylenedioxy-N-ethylamphetamine.]**

27 **“(b) Notwithstanding paragraph (a) of this subsection, unlawful**  
28 **possession of 3,4-methylenedioxymethamphetamine is a Class A**  
29 **misdemeanor if the person possesses one gram or more or five or more**  
30 **pills, tablets or capsules of a mixture or substance containing a de-**

1 **tectable amount of:**

2 **“(A) 3,4-methylenedioxyamphetamine;**

3 **“(B) 3,4-methylenedioxymethamphetamine; or**

4 **“(C) 3,4-methylenedioxy-N-ethylamphetamine.**

5 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
6 **lawful possession of 3,4-methylenedioxymethamphetamine is a Class**  
7 **B felony if:**

8 **“(A) The possession is a commercial drug offense under ORS 475.900**  
9 **(1)(b); or**

10 **“(B) The person possesses a substantial quantity under ORS 475.900**  
11 **(2)(b).**

12 **“SECTION 38.** ORS 475.884, as amended by section 16, chapter 2, Oregon  
13 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

14 **“475.884. (1) It is unlawful for any person knowingly or intentionally to**  
15 **possess cocaine unless the substance was obtained directly from, or pursuant**  
16 **to, a valid prescription or order of a practitioner while acting in the course**  
17 **of professional practice, or except as otherwise authorized by ORS 475.005**  
18 **to 475.285 and 475.752 to 475.980.**

19 **“(2)(a) Unlawful possession of cocaine is a Class E violation.**

20 **“[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession**  
21 **of cocaine is a Class C felony if the possession is a commercial drug offense**  
22 **under ORS 475.900 (1)(b).]**

23 **“[(c) Notwithstanding paragraph (a) of this subsection and except as pro-**  
24 **vided in ORS 475.900 (1)(b), unlawful possession of cocaine is a Class A**  
25 **misdemeanor if the person possesses two grams or more of a mixture or sub-**  
26 **stance containing a detectable amount of cocaine.]**

27 **“(b) Notwithstanding paragraph (a) of this subsection, unlawful**  
28 **possession of cocaine is a Class A misdemeanor if the person possesses**  
29 **two grams or more of a mixture or substance containing a detectable**  
30 **amount of cocaine.**

1       **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
2 **lawful possession of cocaine is a Class C felony if:**

3       **“(A) The possession is a commercial drug offense under ORS 475.900**  
4 **(1)(b); or**

5       **“(B) The person possesses a substantial quantity under ORS 475.900**  
6 **(2)(b).**

7       **“SECTION 39.** ORS 475.894, as amended by section 17, chapter 2, Oregon  
8 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

9       “475.894. (1) It is unlawful for any person knowingly or intentionally to  
10 possess methamphetamine unless the substance was obtained directly from,  
11 or pursuant to, a valid prescription or order of a practitioner while acting  
12 in the course of professional practice, or except as otherwise authorized by  
13 ORS 475.005 to 475.285 and 475.752 to 475.980.

14       “(2)(a) Unlawful possession of methamphetamine is a Class E violation.

15       “*[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession*  
16 *of methamphetamine is a Class C felony if the possession is a commercial drug*  
17 *offense under ORS 475.900 (1)(b).]*

18       “*[(c) Notwithstanding paragraph (a) of this subsection and except as pro-*  
19 *vided in ORS 475.900 (1)(b), unlawful possession of methamphetamine is a*  
20 *Class A misdemeanor if the person possesses two grams or more of a mixture*  
21 *or substance containing a detectable amount of methamphetamine.]*

22       **“(b) Notwithstanding paragraph (a) of this subsection, unlawful**  
23 **possession of methamphetamine is a Class A misdemeanor if the per-**  
24 **son possesses two grams or more of a mixture or substance containing**  
25 **a detectable amount of methamphetamine.**

26       **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, un-**  
27 **lawful possession of methamphetamine is a Class C felony if:**

28       **“(A) The possession is a commercial drug offense under ORS 475.900**  
29 **(1)(b); or**

30       **“(B) The person possesses a substantial quantity under ORS 475.900**

1 (2)(b).

2 “**SECTION 40.** ORS 475.900 is amended to read:

3 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or  
4 475.906 shall be classified as crime category 8 of the sentencing guidelines  
5 grid of the Oregon Criminal Justice Commission if:

6 “(a) The violation constitutes delivery or manufacture of a controlled  
7 substance and involves substantial quantities of a controlled substance. For  
8 purposes of this paragraph, the following amounts constitute substantial  
9 quantities of the following controlled substances:

10 “(A) Five grams or more of a mixture or substance containing a detect-  
11 able amount of heroin;

12 “(B) **Five grams or more of a mixture or substance containing a**  
13 **detectable amount of fentanyl, or any substituted derivative of**  
14 **fentanyl as defined by the rules of the Oregon Board of Pharmacy;**

15 “[B)] (C) Ten grams or more of a mixture or substance containing a de-  
16 tectable amount of cocaine;

17 “[C)] (D) Ten grams or more of a mixture or substance containing a de-  
18 tectable amount of methamphetamine, its salts, isomers or salts of its  
19 isomers;

20 “[D)] (E) Two hundred or more user units of a mixture or substance  
21 containing a detectable amount of lysergic acid diethylamide;

22 “[E)] (F) Sixty grams or more of a mixture or substance containing a  
23 detectable amount of psilocybin or psilocin; or

24 “[F)] (G) Five grams or more or 25 or more pills, tablets or capsules of  
25 a mixture or substance containing a detectable amount of:

26 “(i) 3,4-methylenedioxyamphetamine;

27 “(ii) 3,4-methylenedioxymethamphetamine; or

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

29 “(b) The violation constitutes possession, delivery or manufacture of a  
30 controlled substance and the possession, delivery or manufacture is a com-



1 commercial drug offense. A possession, delivery or manufacture is a commercial  
2 drug offense for purposes of this subsection if it is accompanied by at least  
3 three of the following factors:

4 “(A) The delivery was of heroin, cocaine, methamphetamine, lysergic acid  
5 diethylamide, psilocybin or psilocin and was for consideration;

6 “(B) The offender was in possession of \$300 or more in cash;

7 “(C) The offender was unlawfully in possession of a firearm or other  
8 weapon as described in ORS 166.270 (2), or the offender used, attempted to  
9 use or threatened to use a deadly or dangerous weapon as defined in ORS  
10 161.015, or the offender was in possession of a firearm or other deadly or  
11 dangerous weapon as defined in ORS 161.015 for the purpose of using it in  
12 connection with a controlled substance offense;

13 “(D) The offender was in possession of materials being used for the  
14 packaging of controlled substances such as scales, wrapping or foil, other  
15 than the material being used to contain the substance that is the subject of  
16 the offense;

17 “(E) The offender was in possession of drug transaction records or cus-  
18 tomer lists;

19 “(F) The offender was in possession of stolen property;

20 “(G) Modification of structures by painting, wiring, plumbing or lighting  
21 to facilitate a controlled substance offense;

22 “(H) The offender was in possession of manufacturing paraphernalia, in-  
23 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-  
24 lating or power generating equipment;

25 “(I) The offender was using public lands for the manufacture of controlled  
26 substances;

27 “(J) The offender had constructed fortifications or had taken security  
28 measures with the potential of injuring persons; or

29 “(K) The offender was in possession of controlled substances in an amount  
30 greater than:

1 “(i) Three grams or more of a mixture or substance containing a detect-  
2 able amount of heroin;

3 “(ii) **Three grams or more of a mixture or substance containing a**  
4 **detectable amount of fentanyl, or any substituted derivative of**  
5 **fentanyl as defined by the rules of the Oregon Board of Pharmacy;**

6 “[ii] (iii) Eight grams or more of a mixture or substance containing a  
7 detectable amount of cocaine;

8 “[iii] (iv) Eight grams or more of a mixture or substance containing a  
9 detectable amount of methamphetamine;

10 “[iv] (v) Twenty or more user units of a mixture or substance containing  
11 a detectable amount of lysergic acid diethylamide;

12 “[v] (vi) Ten grams or more of a mixture or substance containing a de-  
13 tectable amount of psilocybin or psilocin; or

14 “[vi] (vii) Four grams or more or 20 or more pills, tablets or capsules  
15 of a mixture or substance containing a detectable amount of:

16 “(I) 3,4-methylenedioxyamphetamine;

17 “(II) 3,4-methylenedioxymethamphetamine; or

18 “(III) 3,4-methylenedioxy-N-ethylamphetamine.

19 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868,  
20 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

21 “(d) The violation constitutes manufacturing methamphetamine and the  
22 manufacturing consists of:

23 “(A) A chemical reaction involving one or more precursor substances for  
24 the purpose of manufacturing methamphetamine; or

25 “(B) Grinding, soaking or otherwise breaking down a precursor substance  
26 for the purpose of manufacturing methamphetamine.

27 “(e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is  
28 not described in ORS 475.907.

29 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified  
30 as crime category 6 of the sentencing guidelines grid of the Oregon Criminal

1 Justice Commission if:

2 “(a) The violation constitutes delivery of heroin, cocaine, methamphet-  
3 amine or 3,4-methylenedioxyamphetamine,  
4 3,4-methylenedioxymethamphetamine or  
5 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

6 “(b) The violation constitutes possession of **substantial quantities of a**  
7 **controlled substance. For purposes of this paragraph, the following**  
8 **amounts constitute substantial quantities of the following controlled**  
9 **substances:**

10 “(A) Five grams or more of a mixture or substance containing a detect-  
11 able amount of heroin;

12 “(B) **Five grams or more of a mixture or substance containing a**  
13 **detectable amount of fentanyl, or any substituted derivative of**  
14 **fentanyl as defined by the rules of the Oregon Board of Pharmacy;**

15 “[B)] (C) Ten grams or more of a mixture or substance containing a de-  
16 tectable amount of cocaine;

17 “[C)] (D) Ten grams or more of a mixture or substance containing a de-  
18 tectable amount of methamphetamine;

19 “[D)] (E) Two hundred or more user units of a mixture or substance  
20 containing a detectable amount of lysergic acid diethylamide;

21 “[E)] (F) Sixty grams or more of a mixture or substance containing a  
22 detectable amount of psilocybin or psilocin; or

23 “[F)] (G) Five grams or more or 25 or more pills, tablets or capsules of  
24 a mixture or substance containing a detectable amount of:

25 “(i) 3,4-methylenedioxyamphetamine;

26 “(ii) 3,4-methylenedioxymethamphetamine; or

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

28 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not con-  
29 tained in subsection (1) or (2) of this section shall be classified as[:]

30 “[a)] crime category 4 of the sentencing guidelines grid of the Oregon

1 Criminal Justice Commission if the violation involves delivery or manufac-  
2 ture of a controlled substance.]; or]

3 “[*(b)* Crime category 1 of the sentencing guidelines grid of the Oregon  
4 Criminal Justice Commission if the violation involves possession of a con-  
5 trolled substance.]

6 “(4) In order to prove a commercial drug offense, the state shall plead in  
7 the accusatory instrument sufficient factors of a commercial drug offense  
8 under subsections (1) and (2) of this section. The state has the burden of  
9 proving each factor beyond a reasonable doubt.

10 “(5) As used in this section, ‘mixture or substance’ means any mixture or  
11 substance, whether or not the mixture or substance is in an ingestible or  
12 marketable form at the time of the offense.

13 **“SECTION 41.** ORS 475.925 is amended to read:

14 “475.925. When a person is convicted of the unlawful delivery or manu-  
15 facture of a controlled substance, the court shall sentence the person to a  
16 term of incarceration ranging from:

17 “(1) 58 months to 130 months, depending on the person’s criminal history,  
18 if the delivery or manufacture involves:

19 “(a) 500 grams or more of a mixture or substance containing a detectable  
20 amount of cocaine;

21 “(b) 500 grams or more of a mixture or substance containing a detectable  
22 amount of methamphetamine, its salts, isomers or salts of its isomers;

23 “(c) 100 grams or more of a mixture or substance containing a detectable  
24 amount of heroin; [or]

25 **“(d) 100 grams or more of a mixture or substance containing a de-**  
26 **tectable amount of fentanyl, or any substituted derivative of fentanyl**  
27 **as defined by the rules of the Oregon Board of Pharmacy; or**

28 “[*(d)*] (e) 100 grams or more or 500 or more pills, tablets or capsules of  
29 a mixture or substance containing a detectable amount of ecstasy.

30 “(2) 34 months to 72 months, depending on the person’s criminal history,

1 if the delivery or manufacture involves:

2 “(a) 100 grams or more of a mixture or substance containing a detectable  
3 amount of cocaine;

4 “(b) 100 grams or more of a mixture or substance containing a detectable  
5 amount of methamphetamine, its salts, isomers or salts of its isomers;

6 “(c) 50 grams or more of a mixture or substance containing a detectable  
7 amount of heroin; [*or*]

8 “**(d) 50 grams or more of a mixture or substance containing a de-**  
9 **tectable amount of fentanyl, or any substituted derivative of fentanyl**  
10 **as defined by the rules of the Oregon Board of Pharmacy; or**

11 “[*d*] (e) 50 grams or more or 250 or more pills, tablets or capsules of a  
12 mixture or substance containing a detectable amount of ecstasy.

13 “**SECTION 42.** ORS 475.235 is amended to read:

14 “475.235. (1) It is not necessary for the state to negate any exemption or  
15 exception in ORS 475.005 to 475.285 and 475.752 to 475.980 in any complaint,  
16 information, indictment or other pleading or in any trial, hearing or other  
17 proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980. The burden  
18 of proof of any exemption or exception is upon the person claiming it.

19 “(2) In the absence of proof that a person is the duly authorized holder  
20 of an appropriate registration or order form issued under ORS 475.005 to  
21 475.285 and 475.752 to 475.980, the person is presumed not to be the holder  
22 of the registration or form. The burden of proof is upon the person to rebut  
23 the presumption.

24 “(3)(a) When a controlled substance is at issue in a criminal proceeding  
25 before a grand jury, at a preliminary hearing, in a proceeding on a district  
26 attorney’s information, **during a proceeding on a Class E violation** or for  
27 purposes of an early disposition program, it is prima facie evidence of the  
28 identity of the controlled substance if:

29 “(A) A sample of the controlled substance is tested using a presumptive  
30 test for controlled substances;

1 “(B) The test is conducted by a law enforcement officer trained to use the  
2 test or by a forensic scientist; and

3 “(C) The test is positive for the particular controlled substance.

4 “(b) When the identity of a controlled substance is established using a  
5 presumptive test for purposes of a criminal proceeding before a grand jury,  
6 a preliminary hearing, a proceeding on a district attorney’s information or  
7 an early disposition program, the defendant, upon notice to the district at-  
8 torney, may request that the controlled substance be sent to a state police  
9 forensic laboratory for analysis. **The defendant may not make a request**  
10 **under this paragraph concerning a controlled substance at issue in a**  
11 **proceeding on a Class E violation.**

12 “(4) Notwithstanding any other provision of law, in all prosecutions in  
13 which an analysis of a controlled substance or sample was conducted, a  
14 certified copy of the analytical report signed by the director of a state police  
15 forensic laboratory or the analyst or forensic scientist conducting the anal-  
16 ysis shall be admitted as prima facie evidence of the results of the analytical  
17 findings unless the defendant has provided notice of an objection in accord-  
18 ance with subsection (5) of this section.

19 “(5) If the defendant intends to object at trial to the admission of a cer-  
20 tified copy of an analytical report as provided in subsection (4) of this sec-  
21 tion, not less than 15 days prior to trial the defendant shall file written  
22 notice of the objection with the court and serve a copy on the district at-  
23 torney.

24 “(6) As used in this section:

25 “(a) ‘Analyst’ means a person employed by the Department of State Police  
26 to conduct analysis in forensic laboratories established by the department  
27 under ORS 181A.150.

28 “(b) ‘Presumptive test’ includes, but is not limited to, chemical tests using  
29 Marquis reagent, Duquenois-Levine reagent, Scott reagent system or modi-  
30 fied Chen’s reagent.



1 conviction of a misdemeanor under this section may not:

2 “(a) Be less than the minimum fine established by ORS 137.286 for a fel-  
3 ony; or

4 “(b) Exceed the amount provided in ORS 161.625 for the class of felony  
5 receiving Class A misdemeanor treatment.

6 **“SECTION 44.** ORS 423.478, as amended by section 20, chapter 2, Oregon  
7 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

8 “423.478. (1) The Department of Corrections shall:

9 “(a) Operate prisons for offenders sentenced to terms of incarceration for  
10 more than 12 months;

11 “(b) Provide central information and data services sufficient to:

12 “(A) Allow tracking of offenders; and

13 “(B) Permit analysis of correlations between sanctions, supervision, ser-  
14 vices and programs, and future criminal conduct; and

15 “(c) Provide interstate compact administration and jail inspections.

16 “(2) Subject to ORS 423.483, *[the]* a county, in partnership with the de-  
17 partment, shall assume responsibility for community-based supervision,  
18 sanctions and services for offenders convicted of felonies or designated  
19 drug-related misdemeanors who are:

20 “(a) On parole;

21 “(b) On probation;

22 “(c) On post-prison supervision;

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

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

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

29 “(3) Notwithstanding the fact that the court has sentenced a person to a  
30 term of incarceration, when an offender is committed to the custody of the



1 supervisory authority of a county under ORS 137.124 (2) or (4), the supervi-  
2 sory authority may execute the sentence by imposing sanctions other than  
3 incarceration if deemed appropriate by the supervisory authority. If the su-  
4 pervisory authority releases a person from custody under this subsection and  
5 the person is required to report as a sex offender under ORS 163A.010, the  
6 supervisory authority, as a condition of release, shall order the person to  
7 report to the Department of State Police, a city police department or a  
8 county sheriff's office or to the supervising agency, if any:

9 “(a) When the person is released;

10 “(b) Within 10 days of a change of residence;

11 “(c) Once each year within 10 days of the person's birth date;

12 “(d) Within 10 days of the first day the person works at, carries on a  
13 vocation at or attends an institution of higher education; and

14 “(e) Within 10 days of a change in work, vocation or attendance status  
15 at an institution of higher education.

16 “(4) As used in this section:

17 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a  
18 vocation’ have the meanings given those terms in ORS 163A.005.

19 “(b) ‘Designated drug-related misdemeanor’ means:

20 “(A) Unlawful possession of methadone under ORS 475.824 [(2)(c)] **(2)(b)**;

21 “(B) Unlawful possession of oxycodone under ORS 475.834 [(2)(c)] **(2)(b)**;

22 “(C) Unlawful possession of heroin under ORS 475.854 [(2)(c)] **(2)(b)**;

23 “(D) Unlawful possession of 3,4-methylenedioxymethamphetamine under  
24 ORS 475.874 [(2)(c)] **(2)(b)**;

25 “(E) Unlawful possession of cocaine under ORS 475.884 [(2)(c)] **(2)(b)**; or

26 “(F) Unlawful possession of methamphetamine under ORS 475.894 [(2)(c)]  
27 **(2)(b)**.

28 “**SECTION 45.** ORS 135.242 is amended to read:

29 “135.242. (1) When a defendant is charged with an offense described in  
30 subsection (7) of this section, the court may not release the defendant on any

1 form of release other than a security release and shall set a security amount  
2 of not less than \$500,000 if the court finds:

3 “(a) Except when the defendant is charged by indictment, that there is  
4 probable cause to believe that the defendant committed the crime; and

5 “(b) By clear and convincing evidence that there is a danger that the  
6 defendant will:

7 “(A) Fail to appear in court at all appropriate times;

8 “(B) Commit a new criminal offense; or

9 “(C) Pose a threat to the reasonable protection of the public.

10 “(2) If the defendant wants to have a hearing on the issue of release, the  
11 defendant must request the hearing at the time of arraignment in circuit  
12 court. If the defendant requests a release hearing, the court must hold the  
13 hearing within five days of the request.

14 “(3) At the release hearing, unless the state stipulates to the setting of  
15 a security amount less than \$500,000, the court shall make the inquiry set  
16 forth in subsection (1) of this section. The state has the burden of producing  
17 evidence at the release hearing subject to ORS 40.015 (4).

18 “(4) The defendant may be represented by counsel and may present evi-  
19 dence on any relevant issue. However, the hearing may not be used for pur-  
20 poses of discovery.

21 “(5) If the court determines that the defendant is eligible for a security  
22 amount of less than \$500,000, the court shall reduce the security amount to  
23 an amount not less than \$50,000 and may set other appropriate conditions  
24 of release.

25 “(6) When a defendant who has been released after posting the security  
26 amount described in subsection (5) of this section violates a condition of re-  
27 lease and the violation:

28 “(a) Constitutes a new criminal offense, the court shall cause the de-  
29 fendant to be taken back into custody and shall impose a security amount  
30 of not less than \$500,000.

1 “(b) Does not constitute a new criminal offense, the court may order the  
2 defendant to be taken back into custody, may order the defendant held  
3 pending trial and may set a security amount of not less than \$250,000.

4 “(7) The offenses to which subsection (1) of this section applies are:

5 “(a) Manufacture of methamphetamine under ORS 475.886.

6 “(b) Manufacture of methamphetamine within 1,000 feet of a school under  
7 ORS 475.888.

8 “(c) Delivery of methamphetamine within 1,000 feet of a school under ORS  
9 475.892.

10 “(d) Delivery of methamphetamine under ORS 475.890 if the delivery in-  
11 volves:

12 “(A) Substantial quantities of methamphetamine under ORS 475.900  
13 [(1)(a)(C)] **(1)(a)(D)**; or

14 “(B) A commercial drug offense under ORS 475.900 (1)(b).

15 “(e) Delivery of methamphetamine to a minor under ORS 475.906.

16 “(8) Nothing in this section affects the ability of a county court or board  
17 of commissioners of a county to adopt or implement a jail capacity limit and  
18 action plan under ORS 169.042 to 169.046.

19  
20 **“PENDING CHARGES**

21  
22 **“SECTION 46. (1) Notwithstanding ORS 161.566, a prosecuting at-  
23 torney may elect to treat as a Class E violation any offense that would  
24 constitute a Class E violation had the offense been committed on or  
25 after February 1, 2021, as described in this section.**

26 **(2) If the prosecuting attorney elects to treat an offense as a Class  
27 E violation under this section, with the consent of the defendant and  
28 as part of the same hearing, the prosecuting attorney shall move to  
29 dismiss the original offense and simultaneously initiate a Class E vi-  
30 lation proceeding. In providing consent under this subsection, the de-**

1 **defendant waives any challenge to the Class E violation under ORS**  
2 **131.125.**

3 **(3) If a Class E violation proceeding is initiated under this section,**  
4 **upon receiving verification that the defendant has obtained a screen-**  
5 **ing or other treatment contact through a Behavioral Health Resource**  
6 **Network, including the telephone hotline described in section 23 (1),**  
7 **chapter 2, Oregon Laws 2021 (Ballot Measure 110), the court shall dis-**  
8 **miss the citation.”.**

9 In line 21, delete the first “25” and insert “47”.

10 In line 32, delete “26” and insert “48”.

11 After line 34, insert:

12

13 **“EMERGENCY CLAUSE**

14

15 **“SECTION 49. This 2021 Act being necessary for the immediate**  
16 **preservation of the public peace, health and safety, an emergency is**  
17 **declared to exist, and this 2021 Act takes effect on its passage.”.**

18

\_\_\_\_\_