



Public Safety Provisions

-24 Amendments to House Bill 4002

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Same as -1s (except as noted)



- Change to the definition of “delivery” to include attempted transfers (*State v. Boyd* meaning)
- Enhanced crime category for delivery that occurs near treatment facilities, temporary residence shelters and public parks (**note**: now within **30 feet** of park)
- Reevaluation of release guidelines by Chief Justice for delivery and manufacture offenses



Same as -1s (except as noted)



- Expansion of welfare holds under ORS 430.399 from 48 hours to 72 hours
- Data tracking and reporting on possession and delivery offenses by the Oregon Criminal Justice Commission
- Class E violation provisions repealed (**note: now operative September 1, 2024**)



Changes: Deflection



- Law enforcement agencies are encouraged to refer people to deflection programs; district attorneys are encouraged to divert
- Oregon Criminal Justice Commission will establish a deflection program data tracking system
- 12 months after effective date, CJC will conduct a study to determine best practices for programs
- 18 months after effective date, CJC will develop standards and best practices for programs



Changes: Possession



Current **Class E violations** becoming unclassified **drug enforcement misdemeanors** beginning **September 1, 2024**:

- Possession of less than 40 pills, tablets, capsules or user units of hydrocodone, methadone or oxycodone
- Possession of less than 1 gram of heroin
- Possession of less than 1 gram, or less than 5 user units, of fentanyl
- Possession of less than 1 gram, or less than 5 pills, tablets or capsules, of MDMA
- Possession of less than 2 grams of cocaine or methamphetamine
- Possession of any amount of another controlled substance in Schedule I, II, III or IV (other than a commercial drug offense)



Possession Sentencing



Drug enforcement misdemeanor sentencing:

- 18 months of probation with no upfront jail OR 180 days straight time if the defendant requests and court agrees
- 30 days' jail for probation violation sanctions; 180 days upon revocation
- If revoked, early release to treatment; county community corrections agency monitors treatment availability; defendant must execute a release agreement and abide by conditions set by the agency
- No fines or fees



Possession Probation



As in the -1 amendment provisions (for Class C misdemeanors):

- Drug enforcement misdemeanor possession included in the definition of “designated drug-related misdemeanor”
- Supervision duty: county community corrections agencies (except the two counties in which DOC operates community corrections)
- Drug enforcement misdemeanor probationers will be included in current service level calculation for funding



Conditional Discharge



Same as in the -1s: pre-plea probation of 12 months; upon successful completion of probation, the court dismisses the charge.

Changes:

- In the -1s, defendants were automatically eligible; in the -24s, eligibility is presumed but the district attorney may object
- Clarifies what happens to other charges (they are not deferred and proceed in the normal course)
- Provides that a person may be sanctioned up to 30 days in jail while on conditional discharge probation



Expungement



Sealing of citation, court records and other records for new drug enforcement misdemeanors:

- Completed deflection program: within 60 days of receiving verification
- Two years after citation with no further action: within 60 days
- Successful completion of probation (includes conditional discharge): within 90 days
- Any other drug enforcement possession conviction or dismissal: 3 years after conviction



Grant Program Changes



Oregon Behavioral Health Deflection Program

- Applicants: a county or a designee of a county, or a tribal government or designee of a tribal government
- Before applying, applicant must coordinate with all program partners, which **must** include a law enforcement agency, district attorney, community mental health program (CMHP) and Behavioral Health Resource Network
- Coordinated by or in consultation with CMHP, local mental health authority or tribal government



New Provisions



Oregon Jail-Based Medications for Opioid Use Disorder Grant Program

- Provisions come from HB 4120
- Administered by Oregon Criminal Justice Commission
- Applicants: local governments and federally recognized tribes that operate local/tribal correctional facilities
- Funding for treatment, screenings, transition planning



Questions?



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