

B-Engrossed
Senate Bill 1553

Ordered by the House March 4
Including Senate Amendments dated February 16 and House Amendments
dated March 4

Sponsored by Senators LIEBER, GORSEK, KNOPP, LINTHICUM, MANNING JR, SMITH DB, THATCHER, Representative MCLAIN; Senators ANDERSON, BONHAM, FINDLEY, HANSELL, HAYDEN, MEEK, PATTERSON, SOLLMAN, WEBER, Representatives BOWMAN, EVANS, GRAYBER, LIVELY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the crime of interfering with public transportation. The Act makes using drugs on public transit a new way of committing the crime. (Flesch Readability Score: 65.5).

Modifies the crime of interfering with public transportation to include the use of an unlawfully possessed controlled substance while in or on a public transit vehicle [*or public transit station*]. Punishes by a maximum of 364 days' imprisonment, a \$6,250 fine, or both. Provides that the new manner of committing interfering with public transportation is a designated drug-related misdemeanor for purposes of supervision duty and funding.

A BILL FOR AN ACT

1
2 Relating to the addiction crisis in this state; amending ORS 166.116 and 423.478.

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

4 **SECTION 1.** ORS 166.116 is amended to read:

5 166.116. (1) A person commits the crime of interfering with public transportation if the person:

6 (a) Intentionally or knowingly enters or remains unlawfully in or on a public transit vehicle or
7 public transit station;

8 (b) Intentionally or knowingly interferes with the provision or use of public transportation ser-
9 vices by, among other things, interfering with the movement of, or access to, public transit vehicles;

10 (c) While in or on a public transit vehicle or public transit station, engages in disorderly con-
11 duct in the second degree as defined in ORS 166.025; [*or*]

12 (d) Subjects a public transportation passenger, employee, agent or security officer or transit
13 police officer to offensive physical contact[.]; **or**

14 **(e) While in or on a public transit vehicle, knowingly ingests, inhales, ignites, injects or**
15 **otherwise consumes a controlled substance that is not lawfully possessed by the person.**

16 (2)(a)(A) Interfering with public transportation as provided in subsection (1)(a) of this section is
17 a Class C misdemeanor.

18 (B) Notwithstanding subparagraph (A) of this paragraph, interfering with public transportation
19 as provided in subsection (1)(a) of this section is a Class A misdemeanor if the person has three or
20 more prior convictions for interfering with public transportation as provided in subsection (1)(a) of
21 this section.

22 (b) Interfering with public transportation as provided in subsection (1)(b) to [*d*] **(e)** of this
23 section is a Class A misdemeanor.

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

1 (3) As used in this section:

2 (a) **“Controlled substance” has the meaning given that term in ORS 475.005.**

3 [(a)] (b) “Enter or remain unlawfully” has the meaning given that term in ORS 164.205.

4 [(b)] (c) “Public transit station” includes all facilities, structures, lands and rights of way that
5 are owned, leased, held or used for the purposes of providing public transportation services.

6 [(c)] (d) “Public transit vehicle” means a vehicle that is used for public transportation or oper-
7 ated by or under contract to any public body in order to provide public transportation.

8 [(d)] (e) “Public transportation” means transportation provided by a city, county, special district
9 or any other political subdivision or municipal or public corporation.

10 **SECTION 2.** ORS 423.478 is amended to read:

11 423.478. (1) The Department of Corrections shall:

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

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

14 (A) Allow tracking of offenders; and

15 (B) Permit analysis of correlations between sanctions, supervision, services and programs, and
16 future criminal conduct; and

17 (c) Provide interstate compact administration and jail inspections.

18 (2) Subject to ORS 423.483, each county, in partnership with the department, shall assume re-
19 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-
20 nies, designated drug-related misdemeanors or designated person misdemeanors who are:

21 (a) On parole;

22 (b) On probation;

23 (c) On post-prison supervision;

24 (d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

25 (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-
26 Prison Supervision to 12 months or less incarceration for violation of a condition of parole, pro-
27 bation 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 term of incarceration,
30 when an offender is committed to the custody of the supervisory authority of a county under ORS
31 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other
32 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority
33 releases a person from custody under this subsection and the person is required to report as a sex
34 offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the
35 person to report to the Department of State Police, a city police department or a county sheriff’s
36 office or to the supervising agency, if any:

37 (a) When the person is released;

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

39 (c) Once each year within 10 days of the person’s birth date;

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

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

44 (4) As used in this section:

45 (a) “Attends,” “institution of higher education,” “works” and “carries on a vocation” have the

1 meanings given those terms in ORS 163A.005.

2 (b) “Designated drug-related misdemeanor” means:

3 (A) Unlawful possession of fentanyl under ORS 475.752 (8)(a);

4 (B) Unlawful possession of methadone under ORS 475.824 (2)(b);

5 (C) Unlawful possession of oxycodone under ORS 475.834 (2)(b);

6 (D) Unlawful possession of heroin under ORS 475.854 (2)(b);

7 (E) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(b);

8 (F) Unlawful possession of cocaine under ORS 475.884 (2)(b); [*or*]

9 (G) Unlawful possession of methamphetamine under ORS 475.894 (2)(b)[.]; **or**

10 **(H) Interfering with public transportation under ORS 166.116 (1)(e).**

11 (c) “Designated person misdemeanor” means:

12 (A) Assault in the fourth degree constituting domestic violence if the judgment document is as
13 described in ORS 163.160 (4);

14 (B) Menacing constituting domestic violence if the judgment document is as described in ORS
15 163.190 (3); or

16 (C) Sexual abuse in the third degree under ORS 163.415.

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