

SENATE AMENDMENTS TO SENATE BILL 40

By COMMITTEE ON JUDICIARY

April 22

1 On page 1 of the printed bill, line 3, after “161.705,” insert “166.291, 342.143, 419C.239, 419C.420,
2 419C.443.”

3 Delete lines 8 through 19 and insert:

4 “**SECTION 2.** ORS 475.864 is amended to read:

5 “475.864. (1) **As used in this section:**

6 “(a) **‘Marijuana’ means the leaves, stems and flowers of the plant Cannabis family**
7 **Moraceae.**

8 “(b) **‘Marijuana product’ has the meaning given the term ‘marijuana’ in ORS 475.005 (16),**
9 **but does not include the leaves, stems and flowers of the plant Cannabis family Moraceae.**

10 “[~~(1)~~] (2) It is unlawful for any person knowingly or intentionally to possess marijuana **or**
11 **marijuana product.**

12 “[~~(2)~~] (3)(a) Unlawful possession of **four avoirdupois ounces or more of marijuana** is a Class
13 **[B] C felony.**

14 “(b) **Unlawful possession of one avoirdupois ounce of marijuana or more, but less than**
15 **four avoirdupois ounces, is a Class B misdemeanor.**

16 “(c) **Unlawful possession of less than one avoirdupois ounce of marijuana is a Class B**
17 **violation.**

18 “[~~(3)~~] *Notwithstanding subsection (2) of this section, unlawful possession of marijuana is a violation*
19 *if the amount possessed is less than one avoirdupois ounce of the dried leaves, stems and flowers of the*
20 *plant Cannabis family Moraceae. A violation under this subsection is a specific fine violation. The*
21 *presumptive fine for a violation under this subsection is \$650.]*

22 “[~~(4)~~] *Notwithstanding subsections (2) and (3) of this section, unlawful possession of marijuana is*
23 *a Class C misdemeanor if the amount possessed is less than one avoirdupois ounce of the dried leaves,*
24 *stems and flowers of the plant Cannabis family Moraceae and the possession takes place in a public*
25 *place, as defined in ORS 161.015, that is within 1,000 feet of the real property comprising a public or*
26 *private elementary, secondary or career school attended primarily by minors.]*

27 “(4)(a) **Unlawful possession of one-quarter avoirdupois ounce or more of marijuana**
28 **product is a Class C felony.**

29 “(b) **Unlawful possession of less than one-quarter avoirdupois ounce of marijuana product**
30 **is a Class B misdemeanor.”**

31 On page 3, after line 31, insert:

32 “**SECTION 6.** ORS 166.291 is amended to read:

33 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed
34 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
35 out in this section, shall issue the person a concealed handgun license if the person:

1 “(a)(A) Is a citizen of the United States; or
2 “(B) Is a legal resident alien who can document continuous residency in the county for at least
3 six months and has declared in writing to the United States Citizenship and Immigration Services
4 the intent to acquire citizenship status and can present proof of the written declaration to the
5 sheriff at the time of application for the license;
6 “(b) Is at least 21 years of age;
7 “(c) Is a resident of the county;
8 “(d) Has no outstanding warrants for arrest;
9 “(e) Is not free on any form of pretrial release;
10 “(f) Demonstrates competence with a handgun by any one of the following:
11 “(A) Completion of any hunter education or hunter safety course approved by the State De-
12 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-
13 nent of the course;
14 “(B) Completion of any National Rifle Association firearms safety or training course if handgun
15 safety was a component of the course;
16 “(C) Completion of any firearms safety or training course or class available to the general public
17 offered by law enforcement, community college, or private or public institution or organization or
18 firearms training school utilizing instructors certified by the National Rifle Association or a law
19 enforcement agency if handgun safety was a component of the course;
20 “(D) Completion of any law enforcement firearms safety or training course or class offered for
21 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
22 cers if handgun safety was a component of the course;
23 “(E) Presents evidence of equivalent experience with a handgun through participation in or-
24 ganized shooting competition or military service;
25 “(F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
26 revoked; or
27 “(G) Completion of any firearms training or safety course or class conducted by a firearms in-
28 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
29 was a component of the course;
30 “(g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
31 of a felony;
32 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
33 161.295, of a misdemeanor within the four years prior to the application;
34 “(i) Has not been committed to the Oregon Health Authority under ORS 426.130;
35 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
36 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
37 “(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
38 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
39 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
40 volving violence, as defined in ORS 166.470;
41 “(L) Has not been convicted of an offense involving controlled substances or participated in a
42 court-supervised drug diversion program, except this disability does not operate to exclude a person
43 if:
44 “(A) The person has been convicted only once of violating ORS 475.864 [(3)] **(3)(c)** and has not
45 completed a court-supervised drug diversion program under ORS 135.907; or

1 “(B) The person has completed a court-supervised drug diversion program under ORS 135.907
2 and has not been convicted of violating ORS 475.864 [(3)] (3)(c);

3 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
4 107.700 to 107.735 or 163.738;

5 “(n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

6 “(o) Is not required to register as a sex offender in any state.

7 “(2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter
8 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws
9 of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
10 (1)(g) to (L) of this section.

11 “(3) Before the sheriff may issue a license:

12 “(a) The application must state the applicant’s legal name, current address and telephone num-
13 ber, date and place of birth, hair and eye color and height and weight. The application must also list
14 the applicant’s residence address or addresses for the previous three years. The application must
15 contain a statement by the applicant that the applicant meets the requirements of subsection (1) of
16 this section. The application may include the Social Security number of the applicant if the applicant
17 voluntarily provides this number. The application must be signed by the applicant.

18 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
19 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
20 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
21 records check is necessary, the sheriff shall request the Department of State Police to conduct the
22 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
23 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
24 check and may not keep any record of the fingerprints. The Department of State Police shall report
25 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
26 Police shall also furnish the sheriff with any information about the applicant that the Department
27 of State Police may have in its possession including, but not limited to, manual or computerized
28 criminal offender information.

29 “(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
30 quest. The forms shall be uniform throughout this state in substantially the following form:

31 “

32 _____
33 APPLICATION FOR LICENSE TO CARRY
34 CONCEALED HANDGUN

35 Date _____

36 I hereby declare as follows:

37 I am a citizen of the United States or a legal resident alien who can document continuous res-
38 idency in the county for at least six months and have declared in writing to the United States Cit-
39 izenship and Immigration Services my intention to become a citizen and can present proof of the
40 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
41 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
42 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
43 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
44 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
45 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,

1 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
2 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
3 volving controlled substances or completed a court-supervised drug diversion program. There are
4 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
5 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
6 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
7 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
8 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
9 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-
10 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738.
11 I have never received a dishonorable discharge from the Armed Forces of the United States. I am
12 not required to register as a sex offender in any state. I understand I will be fingerprinted and
13 photographed.

14

15 Legal name _____
16 Age _____ Date of birth _____
17 Place of birth _____
18 Social Security number _____

19 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
20 thorized under ORS 166.291. It will be used only as a means of identification.)

21

22 Proof of identification (Two pieces of current identification are required, one of which must bear a
23 photograph of the applicant. The type of identification and the number on the identification are to
24 be filled in by the sheriff.):

25 1. _____
26 2. _____

27

28 Height _____ Weight _____
29 Hair color _____ Eye color _____

30

31 Current address _____

32

(List residence addresses for the
past three years on the back.)

33

34

35 City _____ County _____ Zip _____

36 Phone _____

37

38 I have read the entire text of this application, and the statements therein are correct and true.
39 (Making false statements on this application is a misdemeanor.)

40

41

(Signature of Applicant)

42

43 Character references.

44

Name Address

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Name Address

Approved _____ Disapproved _____ by _____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)

Date _____ Fee Paid _____

License No. _____

“ _____

- “(5)(a) Fees for concealed handgun licenses are:
 - “(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - “(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- “(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- “(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

“(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.

“(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:

- “(a) Has a current Oregon driver license issued to the person showing a residence address in the county;
- “(b) Is registered to vote in the county and has a memorandum card issued to the person under ORS 247.181 showing a residence address in the county;
- “(c) Has documentation showing that the person currently leases or owns real property in the county; or
- “(d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.

“**SECTION 7.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is amended to read:

“166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed handgun license, upon receipt of the appropriate fees and after compliance with the procedures set out in this section, shall issue the person a concealed handgun license if the person:

- “(a)(A) Is a citizen of the United States; or
- “(B) Is a legal resident alien who can document continuous residency in the county for at least six months and has declared in writing to the United States Citizenship and Immigration Services the intent to acquire citizenship status and can present proof of the written declaration to the

1 sheriff at the time of application for the license;

2 “(b) Is at least 21 years of age;

3 “(c) Is a resident of the county;

4 “(d) Has no outstanding warrants for arrest;

5 “(e) Is not free on any form of pretrial release;

6 “(f) Demonstrates competence with a handgun by any one of the following:

7 “(A) Completion of any hunter education or hunter safety course approved by the State De-

8 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-

9 nent of the course;

10 “(B) Completion of any National Rifle Association firearms safety or training course if handgun

11 safety was a component of the course;

12 “(C) Completion of any firearms safety or training course or class available to the general public

13 offered by law enforcement, community college, or private or public institution or organization or

14 firearms training school utilizing instructors certified by the National Rifle Association or a law

15 enforcement agency if handgun safety was a component of the course;

16 “(D) Completion of any law enforcement firearms safety or training course or class offered for

17 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-

18 cers if handgun safety was a component of the course;

19 “(E) Presents evidence of equivalent experience with a handgun through participation in or-

20 ganized shooting competition or military service;

21 “(F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been

22 revoked; or

23 “(G) Completion of any firearms training or safety course or class conducted by a firearms in-

24 structor certified by a law enforcement agency or the National Rifle Association if handgun safety

25 was a component of the course;

26 “(g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,

27 of a felony;

28 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS

29 161.295, of a misdemeanor within the four years prior to the application;

30 “(i) Has not been committed to the Oregon Health Authority under ORS 426.130;

31 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that

32 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

33 “(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,

34 while a minor, the person was found to be within the jurisdiction of the juvenile court for having

35 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-

36 volving violence, as defined in ORS 166.470;

37 “(L) Has not been convicted of an offense involving controlled substances or participated in a

38 court-supervised drug diversion program, except this disability does not operate to exclude a person

39 if:

40 “(A) The person has been convicted only once of violating ORS 475.864 [(3)] **(3)(c)** and has not

41 completed a court-supervised drug diversion program under ORS 135.907; or

42 “(B) The person has completed a court-supervised drug diversion program under ORS 135.907

43 and has not been convicted of violating ORS 475.864 [(3)] **(3)(c)**;

44 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,

45 107.700 to 107.735 or 163.738;

1 “(n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

2 “(o) Is not required to register as a sex offender in any state.

3 “(2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
4 has had the person’s record expunged under the laws of this state or equivalent laws of other ju-
5 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

6 “(3) Before the sheriff may issue a license:

7 “(a) The application must state the applicant’s legal name, current address and telephone num-
8 ber, date and place of birth, hair and eye color and height and weight. The application must also list
9 the applicant’s residence address or addresses for the previous three years. The application must
10 contain a statement by the applicant that the applicant meets the requirements of subsection (1) of
11 this section. The application may include the Social Security number of the applicant if the applicant
12 voluntarily provides this number. The application must be signed by the applicant.

13 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
14 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
15 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
16 records check is necessary, the sheriff shall request the Department of State Police to conduct the
17 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
18 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
19 check and may not keep any record of the fingerprints. The Department of State Police shall report
20 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
21 Police shall also furnish the sheriff with any information about the applicant that the Department
22 of State Police may have in its possession including, but not limited to, manual or computerized
23 criminal offender information.

24 “(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
25 quest. The forms shall be uniform throughout this state in substantially the following form:

26 “ _____

27
28 APPLICATION FOR LICENSE TO CARRY
29 CONCEALED HANDGUN

30 Date_____

31 I hereby declare as follows:

32 I am a citizen of the United States or a legal resident alien who can document continuous res-
33 idency in the county for at least six months and have declared in writing to the United States Cit-
34 izenship and Immigration Services my intention to become a citizen and can present proof of the
35 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
36 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
37 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
38 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
39 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
40 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
41 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
42 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
43 volving controlled substances or completed a court-supervised drug diversion program. There are
44 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
45 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally

1 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
2 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
3 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
4 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
5 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
6 from the Armed Forces of the United States. I am not required to register as a sex offender in any
7 state. I understand I will be fingerprinted and photographed.

8
9 Legal name _____
10 Age _____ Date of birth _____
11 Place of birth _____
12 Social Security number _____

13 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
14 thorized under ORS 166.291. It will be used only as a means of identification.)

15
16 Proof of identification (Two pieces of current identification are required, one of which must bear a
17 photograph of the applicant. The type of identification and the number on the identification are to
18 be filled in by the sheriff.):

- 19 1. _____
20 2. _____

21
22 Height _____ Weight _____
23 Hair color _____ Eye color _____

24
25 Current address _____

(List residence addresses for the
past three years on the back.)

26
27
28
29 City _____ County _____ Zip _____
30 Phone _____

31
32 I have read the entire text of this application, and the statements therein are correct and true.
33 (Making false statements on this application is a misdemeanor.)

34 _____
35 (Signature of Applicant)

36
37 Character references.

38 _____
39 Name: Address

40 _____
41 Name: Address

42
43 Approved _____ Disapproved _____ by _____

44
45 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

1 Date _____ Fee Paid _____

2 License No. _____

3 “ _____

4

5 “(5)(a) Fees for concealed handgun licenses are:

6 “(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

7 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

8 “(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

9 “(b) The sheriff may enter into an agreement with the Department of Transportation to produce
10 the concealed handgun license.

11 “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative
12 engaged in the receipt and review of, or an investigation connected with, any application for, or in
13 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the
14 lawful performance of duties under those sections.

15 “(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
16 shall enter the applicant’s name into the Law Enforcement Data System indicating that the person
17 is an applicant for a concealed handgun license or is a license holder.

18 “(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
19 for a resident of a contiguous state who has a compelling business interest or other legitimate
20 demonstrated need.

21 “(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
22 person:

23 “(a) Has a current Oregon driver license issued to the person showing a residence address in
24 the county;

25 “(b) Is registered to vote in the county and has a memorandum card issued to the person under
26 ORS 247.181 showing a residence address in the county;

27 “(c) Has documentation showing that the person currently leases or owns real property in the
28 county; or

29 “(d) Has documentation showing that the person filed an Oregon tax return for the most recent
30 tax year showing a residence address in the county.

31 “**SECTION 8.** ORS 419C.239 is amended to read:

32 “419C.239. (1) A formal accountability agreement shall:

33 “(a) Be completed within a period of time not to exceed one year;

34 “(b) Be voluntarily entered into by all parties;

35 “(c) Be revocable by the youth at any time by a written revocation;

36 “(d) Be revocable by the juvenile department in the event the department has reasonable cause
37 to believe the youth has failed to carry out the terms of the formal accountability agreement or has
38 committed a subsequent offense;

39 “(e) Not be used as evidence against the youth at any adjudicatory hearing;

40 “(f) Be executed in writing and expressed in language understandable to the persons involved;

41 “(g) Be signed by the juvenile department, the youth, the youth’s parent or parents or legal
42 guardian, and the youth’s counsel, if any;

43 “(h) Become part of the youth’s juvenile department record; and

44 “(i) When the youth has been charged with having committed the youth’s first violation of a
45 provision under ORS 475.860 (3)(b) or 475.864 [(3)] (3)(c) and unless the juvenile department deter-

1 mines that it would be inappropriate in the particular case:

2 “(A) Require the youth to participate in a diagnostic assessment and an information or treat-
3 ment program as recommended by the assessment. The agencies or organizations providing assess-
4 ment or programs of information or treatment must be the same as those designated by the court
5 under ORS 419C.443 (1) and must meet the standards set by the Director of the Oregon Health Au-
6 thority. The parent of the youth shall pay the cost of the youth’s participation in the program based
7 upon the ability of the parent to pay.

8 “(B) Monitor the youth’s progress in the program which shall be the responsibility of the diag-
9 nostic assessment agency or organization. It shall make a report to the juvenile department stating
10 the youth’s successful completion or failure to complete all or any part of the program specified by
11 the diagnostic assessment. The form of the report shall be determined by agreement between the
12 juvenile department and the diagnostic assessment agency or organization. The juvenile department
13 shall make the report a part of the record of the case.

14 “(2) Notwithstanding any other provision of law, the following information contained in a formal
15 accountability agreement under ORS 419C.230 is not confidential and is not exempt from disclosure:

16 “(a) The name and date of birth of the youth;

17 “(b) The act alleged; and

18 “(c) The portion of the agreement providing for the disposition of the youth.

19 “**SECTION 9.** ORS 419C.420 is amended to read:

20 “419C.420. If a youth is cited or summoned for a violation under ORS 471.430, 475.860 (3) or
21 475.864 [(3)] **(3)(c)** and fails to appear, the court may adjudicate the citation or petition and enter
22 a disposition without a hearing.

23 “**SECTION 10.** ORS 419C.443 is amended to read:

24 “419C.443. (1) Except when otherwise provided in subsection (3) of this section, when a youth
25 offender has been found to be within the jurisdiction of the court under ORS 419C.005 for a first
26 violation of the provisions under ORS 475.860 (3)(b) or 475.864 [(3)] **(3)(c)**, the court shall order an
27 evaluation and designate agencies or organizations to perform diagnostic assessment and provide
28 programs of information and treatment. The designated agencies or organizations must meet the
29 standards set by the Director of the Oregon Health Authority. Whenever possible, the court shall
30 designate agencies or organizations to perform the diagnostic assessment that are separate from
31 those that may be designated to carry out a program of information or treatment. The parent of the
32 youth offender shall pay the cost of the youth offender’s participation in the program based upon
33 the ability of the parent to pay. The petition shall be dismissed by the court upon written certif-
34 ication of the youth offender’s successful completion of the program from the designated agency or
35 organization providing the information and treatment.

36 “(2) Monitoring the youth offender’s progress in the program shall be the responsibility of the
37 diagnostic assessment agency or organization. The agency or organization shall make a report to the
38 court stating the youth offender’s successful completion or failure to complete all or any part of the
39 program specified by the diagnostic assessment. The form of the report shall be determined by
40 agreement between the court and the diagnostic assessment agency or organization. The court shall
41 make the report a part of the record of the case.

42 “(3) The court is not required to make the disposition required by subsection (1) of this section
43 if the court determines that the disposition is inappropriate in the case or if the court finds that the
44 youth offender has previously entered into a formal accountability agreement under ORS 419C.239
45 (1)(i).

1 “**SECTION 11.** ORS 342.143 is amended to read:

2 “342.143. (1) No teaching, personnel service or administrative license may be issued to any per-
3 son until the person has attained the age of 18 years and has furnished satisfactory evidence of
4 proper educational training.

5 “(2) The Teacher Standards and Practices Commission may require an applicant for a teaching,
6 personnel service or administrative license or for registration as a public charter school teacher or
7 administrator to furnish evidence satisfactory to the commission of good moral character, mental
8 and physical health, and such other evidence as it may deem necessary to establish the applicant’s
9 fitness to serve as a teacher or administrator.

10 “(3) Without limiting the powers of the Teacher Standards and Practices Commission under
11 subsection (2) of this section:

12 “(a) No teaching, personnel service or administrative license or registration as a public charter
13 school teacher or administrator may be issued to any person who:

14 “(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
15 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,
16 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
17 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
18 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,
19 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, [475.864
20 (4),] 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

21 “(B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
22 subparagraph (A) of this paragraph.

23 “(C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
24 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

25 “(D) Has had a teaching, personnel service or administrative license or registration revoked in
26 another jurisdiction for a reason that is substantially equivalent, as defined by rule, to a reason
27 described in ORS 342.175 and the revocation is not subject to further appeal. A person whose priv-
28 ilege to apply for a license or registration is denied under this subparagraph may apply for rein-
29 statement of the privilege as provided in ORS 342.175 (4).

30 “(b) The Teacher Standards and Practices Commission may refuse to issue a license or regis-
31 tration to any person who has been convicted of a crime involving the illegal use, sale or possession
32 of controlled substances.

33 “(4) In denying the issuance of a license or registration under this section, the commission shall
34 follow the procedure set forth in ORS 342.176 and 342.177.

35 “(5) The Department of Education shall provide school districts and public charter schools a
36 copy of the list contained in subsection (3) of this section.”.

37 In line 32, delete “6” and insert “12”.

38 In line 34, delete “7” and insert “13”.

39