

# Senate Bill 774

Sponsored by COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

## 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 **as introduced**.

Requires person who has control of child attending school to ensure that child is not under influence of controlled substance at school, on school property or at school-sponsored activity, function or event. Punishes by fine of \$1,250, 30 days' imprisonment, or both, if certain conditions are met.

Increases fine for subsequent failures to send child to and maintain child in regular attendance at school.

Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to responsibilities of persons with control over school-age children; creating new pro-  
3 visions; amending ORS 339.925 and 339.990; and declaring an emergency.

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

5 **SECTION 1. (1) Every person having control of a child under 18 years of age who is at-**  
6 **tending public school is required to ensure that the child is not under the influence of a**  
7 **controlled substance at school, on school property or at a school-sponsored activity, function**  
8 **or event.**

9 **(2) Subsection (1) of this section does not apply if the child is under the influence of a**  
10 **controlled substance in accordance with:**

11 **(a) A valid prescription or order of a practitioner given in the course of professional**  
12 **practice; or**

13 **(b) ORS 475.005 to 475.285 and 475.752 to 475.980 or ORS 475.300 to 475.346.**

14 **(3) If a child is found to be under the influence of a controlled substance in violation of**  
15 **this section, the district superintendent shall notify the district attorney of the county in**  
16 **which the school is located of the violation.**

17 **SECTION 2. ORS 339.990 is amended to read:**

18 **339.990. (1) Except as provided by subsections (2) and (3) of this section, violation of ORS**  
19 **339.020 or the requirements of ORS 339.035 is a Class C violation.**

20 **(2) A second, third or fourth violation of ORS 339.020 is a Class B violation.**

21 **(3) A fifth or subsequent violation of ORS 339.020 is a Class A violation.**

22 **(4) Violation of section 1 of this 2013 Act is a Class C misdemeanor if:**

23 **(a) The person intentionally, knowingly or recklessly, as those terms are defined in ORS**  
24 **161.085, violated section 1 of this 2013 Act; or**

25 **(b) The child under control of the person was suspended or expelled two or more times**  
26 **during the school year for being under the influence of a controlled substance.**

27 **SECTION 3. ORS 339.925 is amended to read:**

28 **339.925. (1) In addition to any other persons permitted to enforce violations, the school district**

**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 superintendent or education service district superintendent, or any employee specifically designated  
2 by either superintendent, may issue citations for violations established under ORS 339.990 in the  
3 manner provided by ORS chapter 153.

4 (2) Prior to issuing the citation described in subsection (3) of this section to the parent or  
5 guardian of a student not regularly attending full-time school, a school district superintendent or  
6 education service district superintendent shall:

7 (a) Provide a parent or guardian of the student and the student with written notification that:

8 (A) States that the student is required to attend regularly a full-time school;

9 (B) Explains that the failure to send the student and maintain the student in regular attendance  
10 [is] **may be a Class A, a Class B or a Class C violation;**

11 (C) States that the superintendent may issue a citation;

12 (D) Requires the parent or guardian of the student and the student to attend a conference with  
13 a designated official; and

14 (E) Is written in the native language of the parent or guardian of the student.

15 (b) Schedule the conference described in paragraph (a)(D) of this subsection.

16 (3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Educa-  
17 tion by rule shall establish the citation form to be used by superintendents in citing violations es-  
18 tablished under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall  
19 contain the information required by the state board.

20 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
22 **July 1, 2013.**