

# Enrolled House Bill 2355

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

CHAPTER .....

AN ACT

Relating to public safety; creating new provisions; amending ORS 51.050, 131.915, 131.920, 131.925, 137.633, 161.570, 161.615, 181A.410, 221.339, 419C.501, 423.478, 423.525, 475.005, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894; and declaring an emergency.

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

**SECTION 1. As used in sections 1 to 4 of this 2017 Act:**

(1) “Law enforcement agency” means an agency employing law enforcement officers to enforce criminal laws.

(2) “Law enforcement officer” means a member of the Oregon State Police, a sheriff or a municipal police officer.

(3) “Officer-initiated pedestrian stop” means a detention of a pedestrian by a law enforcement officer, not associated with a call for service, when the detention results in a citation, an arrest or a consensual search of the pedestrian’s body or property. The term does not apply to detentions for routine searches performed at the point of entry to or exit from a controlled area.

(4) “Officer-initiated traffic stop” means a detention of a driver of a motor vehicle by a law enforcement officer, not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code.

(5) “Profiling” means the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

(6) “Sexual orientation” has the meaning given that term in ORS 174.100.

**SECTION 2. (1) No later than July 1, 2018, the Oregon Criminal Justice Commission, in consultation with the Department of State Police and the Department of Justice, shall develop and implement a standardized method to be used by law enforcement officers to record officer-initiated pedestrian stop and officer-initiated traffic stop data. The standardized method must require, and any form developed and used pursuant to the standardized method must provide for, the following data to be recorded for each stop:**

- (a) The date and time of the stop;
- (b) The location of the stop;

(c) The race, ethnicity, age and sex of the pedestrian or the operator of the motor vehicle stopped, based on the observations of the law enforcement officer responsible for reporting the stop;

(d) The nature of, and the statutory citation for, the alleged traffic violation, or other alleged violation, that caused the stop to be made; and

(e) The disposition of the stop, including whether a warning, citation or summons was issued, whether a search was conducted, the type of search conducted, whether anything was found as a result of the search and whether an arrest was made.

(2) No later than July 1, 2018, the Department of Public Safety Standards and Training, in consultation with law enforcement agencies, shall develop and implement training and procedures to facilitate the collection of officer-initiated pedestrian and traffic stop data pursuant to subsection (1) of this section.

(3) Beginning on the dates described in subsection (4) of this section, all law enforcement agencies that engage in officer-initiated pedestrian or traffic stops shall record and retain the following data for each stop:

(a) The date and time of the stop;

(b) The location of the stop;

(c) The race, ethnicity, age and sex of the pedestrian or the operator of the motor vehicle stopped, based on the observations of the law enforcement officer responsible for reporting the stop;

(d) The nature of, and the statutory citation for, the alleged traffic violation, or other alleged violation, that caused the stop to be made; and

(e) The disposition of the stop, including whether a warning, citation or summons was issued, whether a search was conducted, the type of search conducted, whether anything was found as a result of the search and whether an arrest was made.

(4) Each law enforcement agency shall begin recording the data described in subsection (3) of this section as follows:

(a) An agency that employs 100 or more law enforcement officers shall begin recording no later than July 1, 2018.

(b) An agency that employs between 25 and 99 law enforcement officers shall begin recording no later than July 1, 2019.

(c) An agency that employs between one and 24 law enforcement officers shall begin recording no later than July 1, 2020.

(5) Each law enforcement agency that engages in officer-initiated traffic or pedestrian stops shall report to the Oregon Criminal Justice Commission the data recorded pursuant to subsection (3) of this section as follows:

(a) An agency that employs 100 or more law enforcement officers shall report no later than July 1, 2019, and at least annually thereafter.

(b) An agency that employs between 25 and 99 law enforcement officers shall report no later than July 1, 2020, and at least annually thereafter.

(c) An agency that employs between one and 24 law enforcement officers shall report no later than July 1, 2021, and at least annually thereafter.

(6) Data acquired under this section shall be used only for statistical purposes and not for any other purpose. The data may not contain information that reveals the identity of any stopped individual or the identity of any law enforcement officer. Data collected by law enforcement agencies or held by the Oregon Criminal Justice Commission under this section that may reveal the identity of any stopped individual or the identity of any law enforcement officer is exempt from public disclosure in any manner.

(7) The Department of Justice, the Department of Public Safety Standards and Training and the Department of State Police may adopt rules to carry out the provisions of sections 1 to 4 of this 2017 Act.

**SECTION 3.** (1) The Oregon Criminal Justice Commission shall review all data, including the prevalence and disposition of officer-initiated pedestrian and traffic stops, reported by law enforcement agencies pursuant to section 2 of this 2017 Act in order to identify patterns or practices of profiling.

(2) The commission shall select one or more statistical analysis methodologies, determined to be consistent with current best practices, with which to review the data as described in subsection (1) of this section.

(3) No later than December 1, 2019, and annually thereafter, the commission shall report the results of the review to the Governor, the Department of Public Safety Standards and Training and, in the manner provided in ORS 192.245, to the committees or interim committees of the Legislative Assembly related to the judiciary.

**SECTION 4.** (1) The Department of Public Safety Standards and Training shall receive and review reports provided to the department by the Oregon Criminal Justice Commission pursuant to section 3 of this 2017 Act.

(2) Upon receipt of a report described in subsection (1) of this section, the department may provide advice or technical assistance to any law enforcement agency mentioned within the report. Any advice or technical assistance provided shall be based on best practices in policing as determined by the Oregon Center for Policing Excellence established in ORS 181A.660.

(3) Upon providing advice or technical assistance under this section, the department shall, within a reasonable amount of time, present a summary of the advice and assistance given to the local public safety coordinating council in the county in which the assisted law enforcement agency is located. If the assisted law enforcement agency is the Oregon State Police, the presentation shall occur in Marion County. The presentation shall be open to the public, feature live testimony by presenters and be held in accordance with ORS 192.610 to 192.690.

**SECTION 5.** ORS 131.925 is amended to read:

131.925. (1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy and Data Review Committee [a copy of] **information concerning** each complaint the agency receives alleging profiling, [.]

[(b)] [*The law enforcement agency*] **and** shall notify the committee of the disposition of the complaint, **in the manner described in this subsection.**

(b) **The law enforcement agency shall submit to the committee a profiling complaint report form summarizing each profiling complaint and the disposition of the complaint, and a copy of each profiling complaint, once each year no later than January 31.**

(c) **The law enforcement agency shall submit the form described in paragraph (b) of this subsection even if the agency has not received any profiling complaints.**

(d) **The profiling complaint report form and copies of profiling complaints submitted to the committee may not include personal information concerning the complainant or a law enforcement officer except as to any personal information recorded on the form as described in subsection (4)(c) of this section.**

(2)(a) A person may submit to the committee a complaint alleging profiling and the committee shall receive the complaints.

(b) The committee also shall receive complaints alleging profiling that are forwarded from a law enforcement agency.

(c) The committee shall forward a copy of each profiling complaint the committee receives to the law enforcement agency employing the officer that is the subject of the complaint. The forwarded complaint must include the name of the complainant unless the complainant requests to remain anonymous, in which case the complainant's name must be redacted.

(3)(a) The committee [*shall*] **may** not release any personal information concerning a complainant or a law enforcement officer who is the subject of a profiling complaint.

(b) The personal information of complainants and of law enforcement officers who are the subject of profiling complaints are exempt from public disclosure under ORS 192.502.

[*(c) As used in this subsection, "personal information" has the meaning given that term in ORS 807.750.*]

**(4) The Department of State Police shall develop a standardized profiling complaint report form. The form must provide for recording the following information:**

**(a) A summary of total complaints and a certification that a law enforcement agency's profiling policy conforms to ORS 131.920;**

**(b) A summary of each complaint received by the law enforcement agency, including the date, time and location of the incident and the disposition of the complaint; and**

**(c) To the extent known, the complainant's gender, gender identity, age, race, ethnicity, sexual orientation, primary language, national origin, religion, political affiliation, homeless status and disability status, recorded in a manner that does not identify the complainant.**

**(5) As used in this section, "personal information" has the meaning given that term in ORS 807.750.**

**SECTION 6.** ORS 131.915 is amended to read:

131.915. As used in ORS 131.915 to 131.925:

(1) "Law enforcement agency" means:

(a) The Department of State Police;

(b) The Department of Justice;

(c) A district attorney's office; and

(d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

(A) A political subdivision or an instrumentality of the State of Oregon.

(B) A municipal corporation of the State of Oregon.

(C) A tribal government.

(D) A university.

(2) "Law enforcement officer" means:

(a) A member of the Oregon State Police;

(b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.121 or 353.125;

(c) An investigator of a district attorney's office if the investigator is or has been certified as a law enforcement officer in this or any other state;

(d) An investigator of the Criminal Justice Division of the Department of Justice;

(e) A humane special agent as defined in ORS 181A.345;

(f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial Department who is appointed under ORS 1.177 and trained pursuant to ORS 181A.540;

(g) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or

(h) An authorized tribal police officer as defined in ORS 181A.680.

(3) "Profiling" means [*that*] **the targeting of an individual by** a law enforcement agency or a law enforcement officer [*targets an individual for*], **on** suspicion of [*violating*] **the individual's having violated** a provision of law, based solely on the **individual's** real or perceived [*factor of the individual's*] age, race, ethnicity, color, national origin, language, [*gender*] **sex**, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

(4) "Sexual orientation" has the meaning given that term in ORS 174.100.

**SECTION 7.** ORS 131.920 is amended to read:

131.920. (1) All law enforcement agencies shall have written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

(a) A prohibition on profiling;

(b) Procedures allowing a complaint alleging profiling to be made to the agency:

(A) In person;

(B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or

(C) By telephone, anonymously or through a third party;

(c) The provision of appropriate forms to use for submitting complaints alleging profiling;

(d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and

(e) Procedures for investigating all complaints alleging profiling.

(2) A law enforcement agency shall:

(a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.

(b) *[Establish a time frame within which a complaint alleging profiling may be made to the agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged commission of profiling.]* **Accept for investigation a complaint alleging profiling that is made to the agency within 180 days of the alleged profiling incident.**

**(c) Respond to every complaint alleging profiling within a reasonable time after the conclusion of the investigation. The response must contain a statement of the final disposition of the complaint.**

**SECTION 8.** ORS 181A.410, as amended by section 42, chapter 117, Oregon Laws 2016, is amended to read:

181A.410. (1) In accordance with any applicable provision of ORS chapter 183, to promote enforcement of law and fire services by improving the competence of public safety personnel and their support staffs, and in consultation with the agencies for which the Board on Public Safety Standards and Training and Department of Public Safety Standards and Training provide standards, certification, accreditation and training:

(a) The department shall recommend, and the board shall establish by rule, reasonable minimum standards of physical, emotional, intellectual and moral fitness for public safety personnel and instructors.

(b) The department shall recommend, and the board shall establish by rule, reasonable minimum training for all levels of professional development, basic through executive, including but not limited to courses or subjects for instruction and qualifications for public safety personnel and instructors. Training requirements shall be consistent with the funding available in the department's legislatively approved budget.

(c) The department, in consultation with the board, shall establish by rule a procedure or procedures to be used by law enforcement units, public or private safety agencies or the Oregon Youth Authority to determine whether public safety personnel meet minimum standards or have minimum training.

(d) Subject to such terms and conditions as the department may impose, the department shall certify instructors and public safety personnel, except youth correction officers, as being qualified under the rules established by the board.

(e) The department shall deny applications for training and deny, suspend and revoke certification in the manner provided in ORS 181A.630, 181A.640 and 181A.650 (1).

(f) The department shall cause inspection of standards and training for instructors and public safety personnel, except youth correction officers, to be made.

(g) The department may recommend, and the board may establish by rule, accreditation standards, levels and categories for mandated and nonmandated public safety personnel training or educational programs. The department and board, in consultation, may establish to what extent training or educational programs provided by an accredited university, college, community college or public safety agency may serve as equivalent to mandated training or as a prerequisite to mandated training. Programs offered by accredited universities, colleges or community colleges may be considered equivalent to mandated training only in academic areas.

**(h) The department shall recommend, and the board shall establish by rule, an educational program that the board determines will be most effective in reducing profiling, as defined in ORS 131.915, by police officers and reserve officers. The program must be required at all levels of training, including basic training and advanced, leadership and continuing training.**

(2) The department may:

(a) Contract or otherwise cooperate with any person or agency of government for the procurement of services or property;

(b) Accept gifts or grants of services or property;

(c) Establish fees for determining whether a training or educational program meets the accreditation standards established under subsection (1)(g) of this section;

(d) Maintain and furnish to law enforcement units and public and private safety agencies information on applicants for appointment as instructors or public safety personnel, except youth correction officers, in any part of the state; and

(e) Establish fees to allow recovery of the full costs incurred in providing services to private entities or in providing services as experts or expert witnesses.

(3) The department, in consultation with the board, may:

(a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid cities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(b) Upon the request of law enforcement units or public safety agencies, conduct studies and make recommendations concerning means by which requesting units can coordinate or combine their resources.

(c) Conduct and stimulate research to improve the police, fire service, corrections, adult parole and probation, emergency medical dispatch and telecommunicator professions.

(d) Provide grants from funds appropriated or available therefor, to law enforcement units, public safety agencies, special districts, cities, counties and private entities to carry out the provisions of this subsection.

(e) Provide optional training programs for persons who operate lockups. The term "lockup" has the meaning given it in ORS 169.005.

(f) Provide optional training programs for public safety personnel and their support staffs.

(g) Enter into agreements with federal, state or other governmental agencies to provide training or other services in exchange for receiving training, fees or services of generally equivalent value.

(h) Upon the request of a law enforcement unit or public safety agency employing public safety personnel, except youth correction officers, grant an officer, fire service professional, telecommunicator or emergency medical dispatcher a multidiscipline certification consistent with the minimum requirements adopted or approved by the board. Multidiscipline certification authorizes an officer, fire service professional, telecommunicator or emergency medical dispatcher to work in any of the disciplines for which the officer, fire service professional, telecommunicator or emergency medical dispatcher is certified. The provisions of ORS 181A.500, 181A.520 and 181A.530 relating to lapse of certification do not apply to an officer or fire service professional certified under this paragraph as long as the officer or fire service professional maintains full-time employment in one of the certified disciplines and meets the training standards established by the board.

(i) Establish fees and guidelines for the use of the facilities of the training academy operated by the department and for nonmandated training provided to federal, state or other governmental agencies, private entities or individuals.

(4) Pursuant to ORS chapter 183, the board, in consultation with the department, shall adopt rules necessary to carry out the board's duties and powers.

(5) Pursuant to ORS chapter 183, the department, in consultation with the board, shall adopt rules necessary to carry out the department's duties and powers.

(6) For efficiency, board and department rules may be adopted jointly as a single set of combined rules with the approval of the board and the department.

(7) The department shall obtain approval of the board before submitting its legislative concepts, Emergency Board request or agency request budget to the Oregon Department of Administrative Services.

(8) The Department of Public Safety Standards and Training shall develop a training program for conducting investigations required under ORS 181A.790.

**SECTION 9.** ORS 475.752, as amended by section 59, chapter 24, Oregon Laws 2016, and section 26, chapter 21, Oregon Laws 2017 (Enrolled Senate Bill 302), is amended to read:

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

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

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

(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise provided in ORS 475.904 and 475.906.

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

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

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

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

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

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

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

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

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

(a) A controlled substance in Schedule I, is guilty of a Class [*B felony*] **A misdemeanor**, except as otherwise provided in ORS **475.854, 475.874 and 475.894 and subsection (7) of this section.**

(b) A controlled substance in Schedule II, is guilty of a Class [*C felony*] **A misdemeanor, except as otherwise provided in ORS 475.824, 475.834 or 475.884 or subsection (8) of this section.**

(c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.

(d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.

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

(4) In any prosecution under this section for manufacture, possession or delivery of that plant of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is being used or is intended for use:

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

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

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

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

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

(b) For purposes of this subsection, causation is established when the controlled substance plays a substantial role in the death of the other person.

(7) Notwithstanding subsection (3)(a) of this section, unlawful possession of a controlled substance in Schedule I is a Class B felony if:

(a) The person possesses a usable quantity of the controlled substance and:

(A) At the time of the possession, the person has a prior felony conviction;

(B) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or

(C) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

(b) The person possesses:

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

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

(8) Notwithstanding subsection (3)(b) of this section, unlawful possession of a controlled substance in Schedule II is a Class C felony if the person possesses a usable quantity of the controlled substance and:

(a) At the time of the possession, the person has a prior felony conviction;

(b) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or

(c) The possession is a commercial drug offense under ORS 475.900 (1)(b).

**SECTION 10.** ORS 475.824 is amended to read:

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

(2)(a) Unlawful possession of methadone is a Class [C felony] A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a Class C felony if:

(A) The person possesses a usable quantity of methadone and:

(i) At the time of the possession, the person has a prior felony conviction;

(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or

(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

(B) The person possesses 40 or more user units of a mixture or substance containing a detectable amount of methadone.

**SECTION 11.** ORS 475.834 is amended to read:

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

(2)(a) Unlawful possession of oxycodone is a Class [C felony] A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class C felony if:

(A) The person possesses a usable quantity of oxycodone and:

(i) At the time of the possession, the person has a prior felony conviction;

(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or

(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

(B) The person possesses 40 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of oxycodone.

**SECTION 12.** ORS 475.854 is amended to read:

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

(2)(a) Unlawful possession of heroin is a Class [B felony] A misdemeanor.

**(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a Class B felony if:**

**(A) The person possesses a usable quantity of heroin and:**

**(i) At the time of the possession, the person has a prior felony conviction;**

**(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or**

**(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

**(B) The person possesses one gram or more of a mixture or substance containing a detectable amount of heroin.**

**SECTION 13.** ORS 475.874 is amended to read:

475.874. (1) It is unlawful for any person knowingly or intentionally to possess 3,4-methylenedioxyamphetamine.

(2)(a) Unlawful possession of 3,4-methylenedioxyamphetamine is a Class [B felony] A misdemeanor.

**(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of 3,4-methylenedioxyamphetamine is a Class B felony if:**

**(A) The person possesses a usable quantity of 3,4-methylenedioxyamphetamine and:**

**(i) At the time of the possession, the person has a prior felony conviction;**

**(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or**

**(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

**(B) The person possesses one gram or more or five or more pills, tablets or capsules of a mixture or substance containing a detectable amount of:**

**(i) 3,4-methylenedioxyamphetamine;**

**(ii) 3,4-methylenedioxyamphetamine; or**

**(iii) 3,4-methylenedioxy-N-ethylamphetamine.**

**SECTION 14.** ORS 475.884 is amended to read:

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

(2)(a) Unlawful possession of cocaine is a Class [C felony] A misdemeanor.

**(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a Class C felony if:**

**(A) The person possesses a usable quantity of cocaine and:**

**(i) At the time of the possession, the person has a prior felony conviction;**

**(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or**

**(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

**(B) The person possesses two grams or more of a mixture or substance containing a detectable amount of cocaine.**

**SECTION 15.** ORS 475.894 is amended to read:

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

(2)(a) Unlawful possession of methamphetamine is a Class [C felony] A misdemeanor.

**(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine is a Class C felony if:**

**(A) The person possesses a usable quantity of methamphetamine and:**

**(i) At the time of the possession, the person has a prior felony conviction;**

**(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or**

**(iii) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

**(B) The person possesses two grams or more of a mixture or substance containing a detectable amount of methamphetamine.**

**SECTION 16.** ORS 475.005 is amended to read:

475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires otherwise:

(1) “Abuse” means the repetitive excessive use of a drug short of dependence, without legal or medical supervision, which may have a detrimental effect on the individual or society.

(2) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(a) A practitioner or an authorized agent thereof; or

(b) The patient or research subject at the direction of the practitioner.

(3) “Administration” means the Drug Enforcement Administration of the United States Department of Justice, or its successor agency.

(4) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(5) “Board” means the State Board of Pharmacy.

(6) “Controlled substance”:

(a) Means a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the term “precursor” in this paragraph does not control and is not controlled by the use of the term “precursor” in ORS 475.752 to 475.980.

(b) Does not mean industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

(7) “Counterfeit substance” means a controlled substance or its container or labeling, which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, delivered or dispensed the substance.

(8) “Deliver” or “delivery” means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship.

(9) “Device” means instruments, apparatus or contrivances, including their components, parts or accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals; or

(b) To affect the structure of any function of the body of humans or animals.

(10) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(11) “Dispenser” means a practitioner who dispenses.

(12) “Distributor” means a person who delivers.

(13) “Drug” means:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in paragraph (a), (b) or (c) of this subsection; however, the term does not include devices or their components, parts or accessories.

(14) “Electronically transmitted” or “electronic transmission” means a communication sent or received through technological apparatuses, including computer terminals or other equipment or mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(15) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(a) By a practitioner as an incident to administering or dispensing of a controlled substance in the course of professional practice; or

(b) By a practitioner, or by an authorized agent under the practitioner’s supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(16) “Marijuana”:

(a) Except as provided in this subsection, means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

(b) Does not mean the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(c) Does not mean industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

(17) “Person” includes a government subdivision or agency, business trust, estate, trust or any other legal entity.

(18) “Practitioner” means physician, dentist, veterinarian, scientific investigator, certified nurse practitioner, physician assistant or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state but does not include a pharmacist or a pharmacy.

(19) “Prescription” means a written, oral or electronically transmitted direction, given by a practitioner for the preparation and use of a drug. When the context requires, “prescription” also means the drug prepared under such written, oral or electronically transmitted direction. Any label affixed to a drug prepared under written, oral or electronically transmitted direction shall prominently display a warning that the removal thereof is prohibited by law.

(20) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(21) “Research” means an activity conducted by the person registered with the federal Drug Enforcement Administration pursuant to a protocol approved by the United States Food and Drug Administration.

(22) “Ultimate user” means a person who lawfully possesses a controlled substance for the use of the person or for the use of a member of the household of the person or for administering to an animal owned by the person or by a member of the household of the person.

**(23) “Usable quantity” means:**

**(a) An amount of a controlled substance that is sufficient to physically weigh independent of its packaging and that does not fall below the uncertainty of the measuring scale; or**

**(b) An amount of a controlled substance that has not been deemed unweighable, as determined by a Department of State Police forensic laboratory, due to the circumstances of the controlled substance.**

[23] (24) "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from a specified location or from any point on the boundary line of a specified unit of property.

**SECTION 17.** ORS 423.478 is amended to read:

423.478. (1) The Department of Corrections shall:

- (a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;
- (b) Provide central information and data services sufficient to:

- (A) Allow tracking of offenders; and

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

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

(2) Subject to ORS 423.483, the county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies **or designated drug-related misdemeanors** who are:

- (a) On parole;

- (b) On probation;

- (c) On post-prison supervision;

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

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

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

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

- (a) When the person is released;

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

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

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

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

- (4) As used in this section[,]:

- (a) "Attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

- (b) **"Designated drug-related misdemeanor" means:**

- (A) **Unlawful possession of a Schedule I controlled substance under ORS 475.752 (3)(a);**

- (B) **Unlawful possession of a Schedule II controlled substance under ORS 475.752 (3)(b);**

- (C) **Unlawful possession of methadone under ORS 475.824 (2)(a);**

- (D) **Unlawful possession of oxycodone under ORS 475.834 (2)(a);**

- (E) **Unlawful possession of heroin under ORS 475.854 (2)(a);**

- (F) **Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(a);**

- (G) **Unlawful possession of cocaine under ORS 475.884 (2)(a); or**

- (H) **Unlawful possession of methamphetamine under ORS 475.894 (2)(a).**

**SECTION 18.** ORS 423.525, as amended by section 67, chapter 117, Oregon Laws 2016, is amended to read:

423.525. (1) A county, group of counties or intergovernmental corrections entity shall apply to the Director of the Department of Corrections in a manner and form prescribed by the director for funding made available under ORS 423.500 to 423.560. The application shall include a community corrections plan. The Department of Corrections shall provide consultation and technical assistance to counties to aid in the development and implementation of community corrections plans.

(2)(a) From July 1, 1995, until June 30, 1999, a county, group of counties or intergovernmental corrections entity may make application requesting funding for the construction, acquisition, expansion or remodeling of correctional facilities to serve the county, group of counties or intergovernmental corrections entity. The department shall review the application for funding of correctional facilities in accordance with criteria that consider design, cost, capacity, need, operating efficiency and viability based on the county's, group of counties' or intergovernmental corrections entity's ability to provide for ongoing operations.

(b)(A) If the application is approved, the department shall present the application with a request to finance the facility with financing agreements to the State Treasurer and the Director of the Oregon Department of Administrative Services. Except as otherwise provided in subparagraph (B) of this paragraph, upon approval of the request by the State Treasurer and the Director of the Oregon Department of Administrative Services, the facility may be financed with financing agreements, and certificates of participation issued pursuant thereto, as provided in ORS 283.085 to 283.092. All decisions approving or denying applications and requests for financing under this section are final. No such decision is subject to judicial review of any kind.

(B) If requests to finance county correctional facility projects are submitted after February 22, 1996, and the requests have not been approved by the department on the date a session of the Legislative Assembly convenes, the requests are also subject to the approval of the Legislative Assembly.

(c) After approval but prior to the solicitation of bids or proposals for the construction of a project, the county, group of counties or intergovernmental corrections entity and the department shall enter into a written agreement that determines the procedures, and the parties responsible, for the awarding of contracts and the administration of the construction project for the approved correctional facility. If the parties are unable to agree on the terms of the written agreement, the Governor shall decide the terms of the agreement. The Governor's decision is final.

(d) After approval of a construction project, the administration of the project shall be conducted as provided in the agreement required by paragraph (c) of this subsection. The agreement must require at a minimum that the county, group of counties or intergovernmental corrections entity shall submit to the department any change order or alteration of the design of the project that, singly or in the aggregate, reduces the capacity of the correctional facility or materially changes the services or functions of the project. The change order or alteration is not effective until approved by the department. In reviewing the change order or alteration, the department shall consider whether the implementation of the change order or alteration will have any material adverse impact on the parties to any financing agreements or the holders of any certificates of participation issued to fund county correctional facilities under this section. In making its decision, the department may rely on the opinions of the Department of Justice, bond counsel or professional financial advisers.

(3) Notwithstanding ORS 283.085, for purposes of this section, "financing agreement" means a lease purchase agreement, an installment sale agreement, a loan agreement or any other agreement to finance a correctional facility described in this section, or to refinance a previously executed financing agreement for the financing of a correctional facility. The state is not required to own or operate a correctional facility in order to finance it under ORS 283.085 to 283.092 and this section. The state, an intergovernmental corrections entity, county or group of counties may enter into any agreements, including, but not limited to, leases and subleases, that are reasonably necessary or generally accepted by the financial community for purposes of acquiring or securing financing as authorized by this section. In financing county correctional facilities under this section, "property rights" as used in ORS 283.085 includes leasehold mortgages of the state's rights under leases of correctional facilities from counties.

(4) Notwithstanding any other provision of state law, county charter or ordinance, a county may convey or lease to the State of Oregon, acting by and through the Department of Corrections, title to interests in, or a lease of, any real property, facilities or personal property owned by the county for the purpose of financing the construction, acquisition, expansion or remodeling of a correctional facility. Upon the payment of all principal and interest on, or upon any other satisfaction of, the financing agreement used to finance the construction, acquisition, expansion or remodeling of a correctional facility, the state shall reconvey its interest in, or terminate and surrender its leasehold of, the property or facilities, including the financed construction, acquisition, expansion or remodeling, to the county. In addition to any authority granted by ORS 283.089, for the purposes of obtaining financing, the state may enter into agreements under which the state may grant to trustees or lenders leases, subleases and other security interests in county property conveyed or leased to the state under this subsection and in the property or facilities financed by financing agreements.

(5) In connection with the financing of correctional facilities, the Director of the Oregon Department of Administrative Services may bill the Department of Corrections, and the Department of Corrections shall pay the amounts billed, in the same manner as provided in ORS 283.089. As required by ORS 283.091, the Department of Corrections and the Oregon Department of Administrative Services shall include in the Governor's budget all amounts that will be due in each fiscal period under financing agreements for correctional facilities. Amounts payable by the state under a financing agreement for the construction, acquisition, expansion or remodeling of a correctional facility are limited to available funds as defined in ORS 283.085, and no lender, trustee, certificate holder or county has any claim or recourse against any funds of the state other than available funds.

(6) The director shall adopt rules that may be necessary for the administration, evaluation and implementation of ORS 423.500 to 423.560. The standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices and maximize local control.

(7) When a county assumes responsibility under ORS 423.500 to 423.560 for correctional services previously provided by the department, the county and the department shall enter into an inter-governmental agreement that includes a local community corrections plan consisting of program descriptions, budget allocation, performance objectives and methods of evaluating each correctional service to be provided by the county. The performance objectives must include in dominant part reducing future criminal conduct. The methods of evaluating services must include, to the extent of available information systems resources, the collection and analysis of data sufficient to determine the apparent effect of the services on future criminal conduct.

(8) All community corrections plans shall comply with rules adopted pursuant to ORS 423.500 to 423.560, and shall include but need not be limited to an outline of the basic structure and the supervision, services and local sanctions to be applied to offenders convicted of felonies **and designated drug-related misdemeanors** who are:

- (a) On parole;
- (b) On probation;
- (c) On post-prison supervision;
- (d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;
- (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, probation or post-prison supervision; and
- (f) On conditional release under ORS 420A.206.

(9) All community corrections plans shall designate a community corrections manager of the county or counties and shall provide that the administration of community corrections under ORS 423.500 to 423.560 shall be under such manager.

(10) No amendment to or modification of a county-approved community corrections plan shall be placed in effect without prior notice to the director for purposes of statewide data collection and reporting.

(11) The obligation of the state to provide funding and the scheduling for providing funding of a project approved under this section is dependent upon the ability of the state to access public security markets to sell financing agreements.

(12) No later than January 1 of each odd-numbered year, the Department of Corrections shall:

(a) Evaluate the community corrections policy established in ORS 423.475, 423.478, 423.483 and 423.500 to 423.560; and

(b) Assess the effectiveness of local revocation options.

**(13) As used in this section, “designated drug-related misdemeanor” has the meaning given that term in ORS 423.478.**

**SECTION 19.** ORS 137.633 is amended to read:

137.633. (1) A person convicted of a felony **or a designated drug-related misdemeanor** and sentenced to probation or to the legal and physical custody of the supervisory authority under ORS 137.124 (2) is eligible for a reduction in the period of probation or local control post-prison supervision for complying with terms of probation or post-prison supervision, including the payment of restitution and participation in recidivism reduction programs.

(2) The maximum reduction under this section may not exceed 50 percent of the period of probation or local control post-prison supervision imposed.

(3) A reduction under this section may not be used to shorten the period of probation or local control post-prison supervision to less than six months.

(4)(a) The Department of Corrections shall adopt rules to carry out the provisions of this section.

(b) The supervisory authority shall comply with the rules adopted under this section.

(5) As used in this section[,]:

**(a) “Designated drug-related misdemeanor” has the meaning given that term in ORS 423.478.**

**(b) “Local control post-prison supervision” means post-prison supervision that is supervised by a local supervisory authority pursuant to ORS 144.101.**

**SECTION 20.** ORS 51.050 is amended to read:

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

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

(3) A justice court does not have jurisdiction over the trial of any felony **or a designated drug-related misdemeanor as defined in ORS 423.478**. Except as provided in ORS 51.037, a justice court does not have jurisdiction over offenses created by the charter or ordinance of any city.

**SECTION 21.** ORS 221.339 is amended to read:

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

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

(3) Municipal courts have no jurisdiction over felonies **or designated drug-related misdemeanors as defined in ORS 423.478**.

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

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

(b) Traffic crimes as defined by ORS 801.545.

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

**SECTION 22.** ORS 161.615 is amended to read:

161.615. Sentences for misdemeanors shall be for a definite term. The court shall fix the term of imprisonment within the following maximum limitations:

(1) For a Class A misdemeanor, [1 year] **364 days**.

(2) For a Class B misdemeanor, 6 months.

(3) For a Class C misdemeanor, 30 days.

(4) For an unclassified misdemeanor, as provided in the statute defining the crime.

**SECTION 23.** ORS 419C.501 is amended to read:

419C.501. (1) The court shall fix the duration of any disposition made pursuant to this chapter and the duration may be for an indefinite period. Any placement in the legal custody of the Department of Human Services or the Oregon Youth Authority under ORS 419C.478 or placement under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529 shall be for an indefinite period. However, the period of institutionalization or commitment may not exceed:

(a) The period of time specified in the statute defining the crime for an act that would constitute an unclassified misdemeanor if committed by an adult;

(b) Thirty days for an act that would constitute a Class C misdemeanor if committed by an adult;

(c) Six months for an act that would constitute a Class B misdemeanor if committed by an adult;

(d) [One year] **Three hundred sixty-four days** for an act that would constitute a Class A misdemeanor if committed by an adult;

(e) Five years for an act that would constitute a Class C felony if committed by an adult;

(f) Ten years for an act that would constitute a Class B felony if committed by an adult;

(g) Twenty years for an act that would constitute a Class A felony if committed by an adult; and

(h) Life for a young person who was found to have committed an act that, if committed by an adult would constitute murder or any aggravated form of murder under ORS 163.095 or 163.115.

(2) Except as provided in subsection (1)(h) of this section, the period of any disposition may not extend beyond the date on which the young person or youth offender becomes 25 years of age.

**SECTION 24. The Oregon Criminal Justice Commission shall study the effect that the reduction of certain unlawful possession of a controlled substance offenses from a felony to a misdemeanor has had on the criminal justice system, rates of recidivism and the composition of the population of persons convicted of felony offenses. The commission shall submit a report detailing the results of the study to the interim committees of the Legislative Assembly related to the judiciary in the manner provided by ORS 192.245 no later than September 15, 2018.**

**SECTION 25.** ORS 161.570 is amended to read:

161.570. (1) As used in this section, "nonperson felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.

(2) A district attorney may elect to treat a Class C nonperson felony or a violation of ORS 475.752 [(3)(a)] (7), 475.854 (2)(b) or 475.874 (2)(b) as a Class A misdemeanor. The election must be made by the district attorney orally or in writing at the time of the first appearance of the defendant. If a district attorney elects to treat a Class C felony or a violation of ORS 475.752 [(3)(a)] (7),

475.854 (2)(b) or 475.874 (2)(b) as a Class A misdemeanor under this subsection, the court shall amend the accusatory instrument to reflect the charged offense as a Class A misdemeanor.

(3) If, at some time after the first appearance of a defendant charged with a Class C nonperson felony or a violation of ORS 475.752 [(3)(a)] (7), 475.854 (2)(b) or 475.874 (2)(b), the district attorney and the defendant agree to treat the charged offense as a Class A misdemeanor, the court may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.

(4) If a Class C felony or a violation of ORS 475.752 [(3)(a)] (7), 475.854 (2)(b) or 475.874 (2)(b) is treated as a Class A misdemeanor under this section, the court shall clearly denominate the offense as a Class A misdemeanor in any judgment entered in the matter.

(5) If no election or stipulation is made under this section, the case proceeds as a felony.

(6) Before a district attorney may make an election under subsection (2) of this section, the district attorney shall adopt written guidelines for determining when and under what circumstances the election may be made. The district attorney shall apply the guidelines uniformly.

(7) Notwithstanding ORS 161.635, the fine that a court may impose upon conviction of a misdemeanor under this section may not:

(a) Be less than the minimum fine established by ORS 137.286 for a felony; or

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

**SECTION 26.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Criminal Justice Commission by section 1, chapter \_\_\_\_\_, Oregon Laws 2017 (Enrolled House Bill 5005), for the biennium beginning July 1, 2017, is increased by \$347,351 for the purpose of implementing the provisions of this 2017 Act.

**SECTION 27.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (4), chapter \_\_\_\_\_, Oregon Laws 2017 (Enrolled House Bill 5031), for the biennium beginning July 1, 2017, for administrative services, agency support, criminal justice information services and office of the State Fire Marshal, is increased by \$780,418 for the purpose of implementing the provisions of this 2017 Act.

**SECTION 28.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter \_\_\_\_\_, Oregon Laws 2017 (Enrolled House Bill 5031), for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of State Police for administrative services, agency support, criminal justice information services and office of the State Fire Marshal, is increased by \$750,000 for the purpose of implementing the provisions of this 2017 Act.

**SECTION 29.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter \_\_\_\_\_, Oregon Laws 2017 (Enrolled House Bill 5034), for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Public Safety Standards and Training, for operations, is increased by \$431,330 for the purpose of implementing the provisions of this 2017 Act.

**SECTION 30.** (1) The amendments to ORS 475.005, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894 by sections 9 to 16 of this 2017 Act apply to unlawful possession of a controlled substance offenses committed on or after the effective date of this 2017 Act.

(2) The amendments to ORS 161.615 by section 22 of this 2017 Act apply to sentences imposed on or after the effective date of this 2017 Act.

(3) The amendments to ORS 419C.501 by section 23 of this 2017 Act apply to findings that a youth offender is within the jurisdiction of the court under ORS 419C.005 that are made on or after the effective date of this 2017 Act.

**SECTION 31.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House July 5, 2017

.....  
Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 6, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....  
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....  
Dennis Richardson, Secretary of State