

A-Engrossed
House Bill 2793

Ordered by the House April 21
Including House Amendments dated April 21

Sponsored by COMMITTEE ON JUDICIARY

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.

[Decreases penalties for crime of cheating. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.]

Requires person convicted of commercial sexual solicitation to disclose to court all Oregon licenses, certificates, permits and registrations that person holds. Directs court to transmit final order to entities that issued licenses, certificates, permits or registrations to person.

Allows person convicted of commercial sexual solicitation to enter into diversion program resulting in dismissal of charge if person meets certain requirements.

Directs court to suspend for six months driving privileges of person convicted of commercial sexual solicitation unless court finds compelling circumstances not to order suspension.

Directs court to revoke hunting or angling license or tag issued to person convicted of commercial sexual solicitation. Directs State Department of Fish and Wildlife to refuse to issue hunting or angling license or tag to person convicted of commercial sexual solicitation for one year.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; and amending ORS 167.008, 809.275 and 809.280.

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

4 **SECTION 1.** ORS 167.008 is amended to read:

5 167.008. (1) A person commits the crime of commercial sexual solicitation if the person pays, or
6 offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.

7 (2) Commercial sexual solicitation is a Class A misdemeanor.

8 **(3)(a) Upon conviction under this section, the defendant shall provide to the court a**
9 **complete list of Oregon licenses, certificates, permits and registrations that the person**
10 **holds.**

11 **(b) A court shall transmit to the issuing entities of the Oregon licenses, certificates,**
12 **permits or registrations listed by the defendant pursuant to paragraph (a) of this subsection**
13 **a copy of the final order of the court.**

14 **(c) A court may find a person in contempt of court as that term is defined in ORS 33.015**
15 **and may impose sanctions for contempt pursuant to ORS 33.045 if the person knowingly fails**
16 **or refuses to provide the information required by paragraph (a) of this subsection.**

17 **(d) An Oregon issuing entity shall clearly state on application forms for Oregon licenses,**
18 **certificates, permits or registrations that, by being issued the license, certificate, permit or**
19 **registration, the applicant agrees to comply with the requirements of paragraph (a) of this**
20 **subsection.**

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 (4)(a) Upon conviction under this section, the court shall revoke any hunting and angling
2 licenses and tags possessed by or issued to the defendant.

3 (b) The State Department of Fish and Wildlife shall refuse to issue a hunting or angling
4 license or tag to a defendant convicted under this section for a period of one year following
5 the conviction.

6 (5) Upon conviction under this section, the court shall order the defendant to complete
7 a john school program as a condition of any probation sentence.

8 (6) As used in this section and section 3 of this 2017 Act, "john school" means any course,
9 class or program intended to educate and prevent recidivism of persons who have been ar-
10 rested, charged or convicted under this section.

11 **SECTION 2.** Section 3 of this 2017 Act is added to and made a part of ORS 167.002 to
12 167.027.

13 **SECTION 3.** (1) A defendant charged with commercial sexual solicitation under ORS
14 167.008 may enter into a diversion agreement as described in this section if the defendant:

15 (a) Has never been convicted under ORS 167.008 or for an equivalent crime in another
16 jurisdiction;

17 (b) Has never completed a diversion program under this section or for an equivalent
18 crime in another jurisdiction; and

19 (c) Is not currently participating in a john school program.

20 (2) The diversion agreement must contain:

21 (a) A waiver of the defendant's right to a speedy trial;

22 (b) A description of the terms of the diversion agreement as described in subsection (3)
23 of this section; and

24 (c) An acknowledgement that the defendant must complete a john school program ap-
25 proved by the court at the defendant's own expense in order to obtain a dismissal of the
26 charge.

27 (3)(a) If the defendant enters into a diversion agreement under this subsection, the court
28 shall:

29 (A) Accept the defendant's plea of guilty or no contest;

30 (B) Withhold entry of a judgment of conviction; and

31 (C) Stay the criminal proceedings for 180 days.

32 (b) If the defendant completes a john school program, and provides the court with proof
33 of completion, within 180 days of the stay of criminal proceedings, the court shall allow the
34 defendant to withdraw the defendant's plea and shall dismiss the charge with prejudice.

35 (c) If, after 180 days from the date of the stay of criminal proceedings, the defendant has
36 not completed the john school program or is unable to provide proof of completion, the court
37 shall terminate the diversion period and shall enter a judgment of conviction for commercial
38 sexual solicitation.

39 **SECTION 4.** Section 5 of this 2017 Act is added to and made a part of the Oregon Vehicle
40 Code.

41 **SECTION 5.** (1) Unless the court finds compelling circumstances not to order suspension
42 of driving privileges, the court in which a person is convicted of commercial sexual sollicita-
43 tion under ORS 167.008 shall order suspension of the person's driving privileges.

44 (2) Upon receipt of an order under this section, the Department of Transportation shall
45 take action as directed under ORS 809.280.

1 **SECTION 6.** ORS 809.275 is amended to read:

2 809.275. (1) A court shall take immediate possession of any license or driver permit held by a
3 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under
4 ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, 809.270, 811.109 or 811.135 **or sec-**
5 **tion 5 of this 2017 Act.**

6 (2) Upon taking possession of a license or permit under this section, a court shall immediately
7 forward to the Department of Transportation the license or permit and a copy of the suspension or
8 revocation order or other information satisfactory to the department and to the State Court Ad-
9 ministrator.

10 (3) A suspension or revocation of driving privileges becomes effective on the date a court takes
11 possession of a license or permit under this section or orders the suspension or revocation.

12 (4) The department is not required to provide further notice of a suspension or revocation or-
13 dered by the court.

14 (5) Nothing in this section requires a court to take additional action, after the conclusion of the
15 sentencing hearing, to secure the driver license or driver permit.

16 **SECTION 7.** ORS 809.280 is amended to read:

17 809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation
18 shall suspend the person's driving privileges. The suspension shall remain in effect until the de-
19 partment is notified by the court that the suspension is ended, except that, if the department is or-
20 dered to automatically reinstate the driving privileges upon the successful completion of a program,
21 the department shall do so and shall notify the judge that the person has complied with the order
22 of the judge.

23 (2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's
24 driving privileges. The suspension shall be for the period ordered by the court. The court may only
25 order suspension for a period not to exceed 90 days.

26 (3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department
27 shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate
28 the driving privileges upon appropriate notification from the court under ORS 809.130, except that
29 the department shall only impose the suspension after the department has determined that:

30 (a) The judgment was rendered against the person;

31 (b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

32 (c) The judgment continues to be unsettled as described in ORS 809.470.

33 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend
34 the person's driving privileges for an indefinite period. The department shall reinstate driving priv-
35 ileges that have been suspended under this subsection upon notification by the court or upon the
36 elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, whichever
37 comes first. The department may not suspend any driving privileges under this subsection for a
38 person's failure to appear on a parking, pedestrian or bicyclist offense.

39 (5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's
40 driving privileges for an indefinite period. The department shall reinstate driving privileges that
41 have been suspended under this subsection upon notification by the court or upon the lapse of 10
42 years from the date of suspension, whichever comes first.

43 (6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's
44 driving privileges as follows:

45 (a) Upon receipt of the first order suspending driving privileges, the department shall suspend

1 the person's driving privileges for one year, or until the person reaches 17 years of age, whichever
2 is longer.

3 (b) Upon receipt of a second or subsequent order suspending driving privileges, the department
4 shall suspend the person's driving privileges for one year or until the person reaches 18 years of
5 age, whichever is longer.

6 (7) If the department receives notice from a court that it has withdrawn an order issued under
7 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-
8 pended under subsection (6) of this section because of the issuance of the order.

9 (8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend
10 the person's driving privileges. The suspension shall be for the period ordered by the court. The
11 court may only order suspension for a period not to exceed one year.

12 (9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person's
13 driving privileges for six months.

14 (10) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke
15 the person's driving privileges. The revocation shall remain in effect until the department is notified
16 by a court that the person's driving privileges have been ordered restored.

17 (11) When a court orders suspension of driving privileges under ORS 811.109 (4), the department
18 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the
19 court. The court may only order suspension for a period not to exceed 30 days.

20 (12) When a court orders suspension of driving privileges under ORS 811.109 (5), the department
21 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the
22 court. The court may only order suspension for not less than 30 days and not more than 90 days.

23 (13) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's
24 driving privileges for one year.

25 **(14) Upon receipt of a court order under section 5 of this 2017 Act, the department shall**
26 **suspend the person's driving privileges for six months.**

27 **SECTION 8. (1) Section 5 of this 2017 Act and the amendments to ORS 809.280 by section**
28 **7 of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.**

29 **(2) The amendments to ORS 167.008 by section 1 of this 2017 Act apply to conduct oc-**
30 **curing, and to initial Oregon licenses, certificates, permits and registrations issued, on or**
31 **after the effective date of this 2017 Act.**

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