

A-Engrossed
House Bill 3078

Ordered by the House June 2
Including House Amendments dated June 2

Sponsored by Representatives PILUSO, SANCHEZ; Representatives KENY-GUYER, LININGER, POWER, SOLLMAN, WITT

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.

Modifies eligibility for Family Sentencing Alternative Pilot Program. [*Authorizes Department of Corrections to increase reduction in term of imprisonment if inmate meets certain criteria related to participation in family program.*] **Authorizes court to consider program eligibility as mitigating factor justifying downward departure probation sentence.**

Increases maximum period of short-term transitional leave for certain Department of Corrections inmates.

Reduces, **for crimes of theft in the first degree and identity theft**, presumptive sentences and eliminates mandatory sentences [*for certain property crimes*] when defendant has prior property crime convictions. Increases number of prior property crime convictions required for presumptive sentence **for theft in the first degree and identity theft** to apply. [*Eliminates certain crimes that can be used as prior convictions.*] **Authorizes supervisory authority to require person convicted of certain property crimes and sentenced to probation to receive high level of supervision.**

Appropriates moneys from General Fund to Department of Corrections and Department of Human Services for purpose of funding and expanding Family Sentencing Alternative Pilot Program.

Appropriates moneys from General Fund to Oregon Criminal Justice Commission for deposit in Justice Reinvestment Account and to Department of Justice for deposit in Oregon Domestic and Sexual Violence Services Fund.

Directs Oregon Criminal Justice Commission to study impact of Act on prison population, recidivism rates and public safety.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety; creating new provisions; amending ORS 137.717 and 421.168 and section
3 1, chapter 830, Oregon Laws 2015; repealing section 16, chapter 649, Oregon Laws 2013; and
4 declaring an emergency.

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

6 **SECTION 1. Sections 7 to 11 of this 2017 Act, the amendments to ORS 137.717 and 421.168**
7 **and section 1, chapter 830, Oregon Laws 2015, by sections 2, 4, 5 and 6 of this 2017 Act and**
8 **the repeal of section 16, chapter 649, Oregon Laws 2013, by section 3 of this 2017 Act shall**
9 **be known and may be cited as the Safety and Savings Act.**

10
11 **FAMILY SENTENCING ALTERNATIVE PILOT PROGRAM**

12
13 **SECTION 2.** Section 1, chapter 830, Oregon Laws 2015, is amended to read:

14 **Sec. 1.** (1) The Department of Corrections, in partnership with the circuit court and county
15 community corrections agencies of participating counties and the Department of Human Services,
16 shall establish the Family Sentencing Alternative Pilot Program.

17 (2) A defendant is eligible for the Family Sentencing Alternative Pilot Program if:

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 (a) The defendant's presumptive sentence under the sentencing guidelines of the Oregon Crimi-
2 nal Justice Commission is a term of imprisonment in the legal and physical custody of the Depart-
3 ment of Corrections of at least one year;

4 (b) The defendant [*has not previously been convicted of, and*] is not currently being sentenced for:

5 (A) A person felony as defined in the rules of the Oregon Criminal Justice Commission;

6 (B) A sex crime as defined in ORS [*181.805*] **163A.005**; or

7 (C) An offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061,
8 475.907, 475.925, 475.930 or [*813.010*] **813.011**; and

9 (c) The defendant is **pregnant at the time of sentencing, or is** the parent or legal guardian
10 of a minor child and **at the time of the offense or sentencing** had physical custody of the child
11 [*at the time of the offense*].

12 (3)(a) If the defendant meets the eligibility requirements described in subsection (2) of this sec-
13 tion and [*receives*] **is eligible for** a downward dispositional departure under the rules of the Oregon
14 Criminal Justice Commission, the court may order that the defendant sign a release authorizing the
15 Department of Human Services to provide the community corrections agency with written confir-
16 mation of, and consultation concerning, any open or current juvenile dependency proceeding or any
17 prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

18 **(b) The court may consider eligibility in the Family Sentencing Alternative Pilot Program**
19 **as a mitigating factor when determining whether to sentence the defendant to probation,**
20 **with a requirement that the defendant participate in the program as a condition of probation,**
21 **as a downward dispositional departure under the rules of the commission.**

22 (4) After receipt of the information described in subsection (3) of this section, the community
23 corrections agency, in consultation with the Department of Human Services, shall determine if the
24 Family Sentencing Alternative Pilot Program is an appropriate program for the defendant and, if the
25 program is appropriate **and the defendant is sentenced to a term of probation**, require partic-
26 ipation in the program for the first 12 months of the probationary sentence. In addition to the con-
27 ditions of probation ordered under ORS 137.540, the defendant may be required to comply with any
28 additional conditions related to the program, including but not limited to:

29 (a) Geographical restrictions, including house arrest and electronic surveillance;

30 (b) Participation in vocational training; and

31 (c) Completion of:

32 (A) Parenting skills classes;

33 (B) Drug or alcohol treatment;

34 (C) Mental health treatment; or

35 (D) Life skills classes.

36 (5) The Department of Human Services and community corrections agencies shall cooperate with
37 the Department of Corrections in implementing the Family Sentencing Alternative Pilot Program
38 described in this section.

39 (6) The Department of Human Services and the Department of Corrections shall jointly submit
40 a report concerning the Family Sentencing Alternative Pilot Program, which must include program
41 outcomes and data related to the efficacy of the program, and which may include recommendations
42 for legislation in the manner provided by ORS 192.245, to the interim committees of the Legislative
43 Assembly related to the judiciary no later than January 1[, 2017] **of each year**.

44 **(7) The Department of Corrections shall establish a process for selecting counties to**
45 **participate in the Family Sentencing Alternative Pilot Program.**

1 of conviction was committed while the defendant was on supervision for the previous conviction or
2 less than three years after the date the defendant completed the period of supervision for the pre-
3 vious conviction.

4 (b) [*Theft in the first degree under ORS 164.055,*] Unauthorized use of a vehicle under ORS
5 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under
6 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS
7 164.377, robbery in the third degree under ORS 164.395, forgery in the first degree under ORS
8 165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent
9 use of a credit card under ORS 165.055 (4)(b), [*identity theft under ORS 165.800,*] possession of a
10 stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the
11 presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal Justice
12 Commission prescribe a longer presumptive sentence, if the person has:

13 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-
14 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery
15 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in
16 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in
17 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

18 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)
19 of this section; or

20 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime
21 of conviction was committed while the defendant was on supervision for the previous conviction or
22 less than three years after the date the defendant completed the period of supervision for the pre-
23 vious conviction.

24 (c) **Theft in the first degree under ORS 164.055 or identity theft under ORS 165.800, the**
25 **presumptive sentence is 13 months of incarceration, unless the rules of the Oregon Criminal**
26 **Justice Commission prescribe a longer presumptive sentence, if the person has:**

27 (A) **A previous conviction for aggravated theft in the first degree under ORS 164.057,**
28 **unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS**
29 **164.225, robbery in the second degree under ORS 164.405, robbery in the first degree under**
30 **ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles**
31 **under ORS 819.310 or aggravated identity theft under ORS 165.803; or**

32 (B) **Four or more previous convictions for any combination of crimes listed in subsection**
33 **(2) of this section.**

34 (2) The crimes to which subsection (1) of this section applies are:

35 (a) Theft in the second degree under ORS 164.045;

36 (b) Theft in the first degree under ORS 164.055;

37 (c) Aggravated theft in the first degree under ORS 164.057;

38 (d) Unauthorized use of a vehicle under ORS 164.135;

39 (e) Mail theft or receipt of stolen mail under ORS 164.162;

40 (f) Burglary in the second degree under ORS 164.215;

41 (g) Burglary in the first degree under ORS 164.225;

42 (h) Criminal mischief in the second degree under ORS 164.354;

43 (i) Criminal mischief in the first degree under ORS 164.365;

44 (j) Computer crime under ORS 164.377;

45 (k) Forgery in the second degree under ORS 165.007;

- 1 (L) Forgery in the first degree under ORS 165.013;
- 2 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;
- 3 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;
- 4 (o) Fraudulent use of a credit card under ORS 165.055;
- 5 (p) Identity theft under ORS 165.800;
- 6 (q) Possession of a stolen vehicle under ORS 819.300;
- 7 (r) Trafficking in stolen vehicles under ORS 819.310; and
- 8 (s) Any attempt to commit a crime listed in this subsection.

9 (3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this section shall be in-
10 creased by two months for each previous conviction the person has that:

11 (A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

12 (B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or
13 (b) of this section.

14 (b) Previous convictions may not increase a presumptive sentence described in subsection (1)(a)
15 or (b) of this section by more than 12 months under this subsection.

16 (4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)
17 of this section if the court imposes:

18 (a) A longer term of incarceration that is otherwise required or authorized by law; or

19 (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission
20 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon
21 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-
22 lowed for a person sentenced under this subsection is double the presumptive sentence provided in
23 subsection (1) or (3) of this section.

24 (5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under
25 subsection (4) of this section to a term of incarceration that exceeds the period of time described
26 in ORS 161.605.

27 (6) The court shall sentence a person under this section to at least the presumptive sentence
28 described in subsection (1)(a) or (b) or (3) of this section, unless the parties stipulate otherwise or
29 the court finds that:

30 (a) The person was not on probation, parole or post-prison supervision for a crime listed in
31 subsection (1) of this section at the time of the commission of the current crime of conviction;

32 (b) The person has not previously received a downward departure from a presumptive sentence
33 for a crime listed in subsection (1) of this section;

34 (c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

35 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-
36 parture will:

37 (A) Increase public safety;

38 (B) Enhance the likelihood that the person will be rehabilitated; and

39 (C) Not unduly reduce the appropriate punishment.

40 **(7) When the court imposes a sentence of probation for a conviction for theft in the first**
41 **degree or identity theft or under subsection (6) of this section, the supervisory authority as**
42 **defined in ORS 144.087 may require the person to receive a high level of supervision for at**
43 **least 12 months, and may extend the period of high-level supervision for all or part of the**
44 **remaining probationary term.**

45 [(7)(a)] **(8)(a)** For a crime committed on or after November 1, 1989, a conviction is considered

1 to have occurred upon the pronouncement of sentence in open court. However, when sentences are
2 imposed for two or more convictions arising out of the same conduct or criminal episode, none of
3 the convictions is considered to have occurred prior to any of the other convictions arising out of
4 the same conduct or criminal episode.

5 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-
6 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open
7 court of the suspended imposition of a sentence.

8 [(8)] (9) For purposes of this section, previous convictions must be proven pursuant to ORS
9 137.079.

10 [(9)] (10) As used in this section:

11 (a) “Downward departure” means a downward dispositional departure or a downward durational
12 departure under the rules of the Oregon Criminal Justice Commission.

13 (b) “Previous conviction” includes:

14 (A) Convictions occurring before, on or after July 1, 2003; and

15 (B) Convictions entered in any other state or federal court for comparable offenses.

16 **SECTION 6.** ORS 137.717, as amended by section 7, chapter 649, Oregon Laws 2013, is amended
17 to read:

18 137.717. (1) When a court sentences a person convicted of:

19 (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under
20 ORS 164.225, robbery in the third degree under ORS 164.395[, *identity theft under ORS 165.800*] or
21 aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months of
22 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer
23 presumptive sentence, if the person has:

24 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary
25 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in
26 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated
27 identity theft under ORS 165.803;

28 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)
29 of this section; or

30 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime
31 of conviction was committed while the defendant was on supervision for the previous conviction or
32 less than three years after the date the defendant completed the period of supervision for the pre-
33 vious conviction.

34 (b) [*Theft in the first degree under ORS 164.055,*] Unauthorized use of a vehicle under ORS
35 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under
36 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS
37 164.377, forgery in the first degree under ORS 165.013, criminal possession of a forged instrument
38 in the first degree under ORS 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b),
39 possession of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310,
40 the presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal
41 Justice Commission prescribe a longer presumptive sentence, if the person has:

42 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-
43 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery
44 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in
45 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in

1 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

2 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)
3 of this section; or

4 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime
5 of conviction was committed while the defendant was on supervision for the previous conviction or
6 less than three years after the date the defendant completed the period of supervision for the pre-
7 vious conviction.

8 (c) **Theft in the first degree under ORS 164.055 or identity theft under ORS 165.800, the**
9 **presumptive sentence is 13 months of incarceration, unless the rules of the Oregon Criminal**
10 **Justice Commission prescribe a longer presumptive sentence, if the person has:**

11 (A) **A previous conviction for aggravated theft in the first degree under ORS 164.057,**
12 **unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS**
13 **164.225, robbery in the second degree under ORS 164.405, robbery in the first degree under**
14 **ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles**
15 **under ORS 819.310 or aggravated identity theft under ORS 165.803; or**

16 (B) **Four or more previous convictions for any combination of crimes listed in subsection**
17 **(2) of this section.**

18 (2) The crimes to which subsection (1) of this section applies are:

19 (a) Theft in the second degree under ORS 164.045;

20 (b) Theft in the first degree under ORS 164.055;

21 (c) Aggravated theft in the first degree under ORS 164.057;

22 (d) Unauthorized use of a vehicle under ORS 164.135;

23 (e) Mail theft or receipt of stolen mail under ORS 164.162;

24 (f) Burglary in the second degree under ORS 164.215;

25 (g) Burglary in the first degree under ORS 164.225;

26 (h) Criminal mischief in the second degree under ORS 164.354;

27 (i) Criminal mischief in the first degree under ORS 164.365;

28 (j) Computer crime under ORS 164.377;

29 (k) Forgery in the second degree under ORS 165.007;

30 (L) Forgery in the first degree under ORS 165.013;

31 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;

32 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;

33 (o) Fraudulent use of a credit card under ORS 165.055;

34 (p) Identity theft under ORS 165.800;

35 (q) Possession of a stolen vehicle under ORS 819.300;

36 (r) Trafficking in stolen vehicles under ORS 819.310; and

37 (s) Any attempt to commit a crime listed in this subsection.

38 (3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this section shall be in-
39 creased by two months for each previous conviction the person has that:

40 (A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

41 (B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or
42 (b) of this section.

43 (b) Previous convictions may not increase a presumptive sentence described in subsection (1)(a)
44 or (b) of this section by more than 12 months under this subsection.

45 (4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)

1 of this section if the court imposes:

2 (a) A longer term of incarceration that is otherwise required or authorized by law; or

3 (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission
4 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon
5 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-
6 lowed for a person sentenced under this subsection is double the presumptive sentence provided in
7 subsection (1) or (3) of this section.

8 (5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under
9 subsection (4) of this section to a term of incarceration that exceeds the period of time described
10 in ORS 161.605.

11 (6) The court shall sentence a person under this section to at least the presumptive sentence
12 described in subsection (1)(a) or (b) or (3) of this section, unless the parties stipulate otherwise or
13 the court finds that:

14 (a) The person was not on probation, parole or post-prison supervision for a crime listed in
15 subsection (1) of this section at the time of the commission of the current crime of conviction;

16 (b) The person has not previously received a downward departure from a presumptive sentence
17 for a crime listed in subsection (1) of this section;

18 (c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

19 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-
20 parture will:

21 (A) Increase public safety;

22 (B) Enhance the likelihood that the person will be rehabilitated; and

23 (C) Not unduly reduce the appropriate punishment.

24 **(7) When the court imposes a sentence of probation for a conviction for theft in the first**
25 **degree or identity theft or under subsection (6) of this section, the supervisory authority as**
26 **defined in ORS 144.087 may require the person to receive a high level of supervision for at**
27 **least 12 months, and may extend the period of high-level supervision for all or part of the**
28 **remaining probationary term.**

29 [(7)(a)] **(8)(a)** For a crime committed on or after November 1, 1989, a conviction is considered
30 to have occurred upon the pronouncement of sentence in open court. However, when sentences are
31 imposed for two or more convictions arising out of the same conduct or criminal episode, none of
32 the convictions is considered to have occurred prior to any of the other convictions arising out of
33 the same conduct or criminal episode.

34 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-
35 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open
36 court of the suspended imposition of a sentence.

37 [(8)] **(9)** For purposes of this section, previous convictions must be proven pursuant to ORS
38 137.079.

39 [(9)] **(10)** As used in this section:

40 (a) "Downward departure" means a downward dispositional departure or a downward durational
41 departure under the rules of the Oregon Criminal Justice Commission.

42 (b) "Previous conviction" includes:

43 (A) Convictions occurring before, on or after July 1, 2003; and

44 (B) Convictions entered in any other state or federal court for comparable offenses.

45

APPROPRIATIONS

SECTION 7. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Corrections, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$_____ for the purposes of funding the Family Sentencing Alternative Pilot Program described in section 1, chapter 830, Oregon Laws 2015, and increasing the number of counties participating in the program.

SECTION 8. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$_____ for the purposes of funding the Family Sentencing Alternative Pilot Program described in section 1, chapter 830, Oregon Laws 2015, and increasing the number of counties participating in the program.

(2) Notwithstanding any other law limiting expenditures, the amount of \$_____ is established for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from federal funds collected or received by the Department of Human Services for the purposes of funding the Family Sentencing Alternative Pilot Program described in section 1, chapter 830, Oregon Laws 2015, and increasing the number of counties participating in the program.

SECTION 9. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$_____, to be deposited in the Justice Reinvestment Account described in section 52, chapter 649, Oregon Laws 2013, and expended for the purposes of the Justice Reinvestment Program described in section 53, chapter 649, Oregon Laws 2013.

SECTION 10. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Justice, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$_____, to be deposited in the Oregon Domestic and Sexual Violence Services Fund described in ORS 147.453 and expended as described in ORS 147.450 to 147.471.

REPORT TO LEGISLATIVE ASSEMBLY

SECTION 11. The Oregon Criminal Justice Commission shall study the impact of this 2017 Act on prison utilization, recidivism and public safety, and report the results of the study to the interim committees of the Legislative Assembly related to the judiciary in the manner provided in ORS 192.245, no later than February 1 of each year.

MISCELLANEOUS PROVISIONS

SECTION 12. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.

SECTION 13. The amendments to ORS 137.717 and 421.168 by sections 4 and 5 of this 2017 Act and the repeal of section 16, chapter 649, Oregon Laws 2013, by section 3 of this 2017 Act become operative on January 1, 2018.

1 **SECTION 14.** (1) The amendments to section 1, chapter 830, Oregon Laws 2015, by section
2 **2 of this 2017 Act apply to sentences imposed on or after the effective date of this 2017 Act.**

3 **(2) The amendments to ORS 137.717 and 421.168 by sections 4 and 5 of this 2017 Act apply**
4 **to sentences imposed on or after January 1, 2018.**

5 **(3) The amendments to ORS 137.717 by section 6 of this 2017 Act apply to sentences im-**
6 **posed on or after July 1, 2023.**

7 **SECTION 15.** Section 11 of this 2017 Act is repealed on January 2, 2028.

8 **SECTION 16.** This 2017 Act being necessary for the immediate preservation of the public
9 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
10 **on its passage.**

11
