

SENATE AMENDMENTS TO SENATE BILL 1538

By COMMITTEE ON JUDICIARY

February 19

- 1 On page 1 of the printed bill, line 3, delete “305.385,” and delete “807.060, 807.065,”.
2 In line 6, delete “807.066,” and delete “809.320,”.
3 On page 8, line 10, restore “165.805 or”.
4 On page 12, line 43, delete “807.066,” and delete “, 809.320”.
5 On page 13, delete lines 28 through 45 and delete page 14.
6 On page 15, delete lines 1 through 20 and insert:
7 **“SECTION 19.** ORS 165.805 is amended to read:
8 “165.805. (1) A person commits the crime of misrepresentation of age by a minor if:
9 “(a) Being less than a certain, specified age, the person knowingly purports to be of any age
10 other than the true age of the person with the intent of securing a right, benefit or privilege which
11 by law is denied to persons under that certain, specified age; or
12 “(b) Being unmarried, the person knowingly represents that the person is married with the in-
13 tent of securing a right, benefit or privilege which by law is denied to unmarried persons.
14 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.
15 “(3)(a) In addition to and not in lieu of any other penalty established by law, **if** a person
16 [*who*], using a driver permit or license or other identification issued by the Department of Trans-
17 portation of this state or its equivalent in another state, commits the crime of misrepresentation of
18 age by a minor in order to purchase or consume alcoholic liquor:
19 **“(A) The person** may be required to perform community service; and
20 **“(B) The court** [*shall*] **may** order that the person’s driving privileges and right to apply for
21 driving privileges be suspended for a period not to exceed one year[.] **upon:**
22 **“(i) The person’s second or subsequent conviction or adjudication for an offense described**
23 **in this paragraph;**
24 **“(ii) The person’s first conviction or adjudication if the person has previously entered**
25 **into a formal accountability agreement under ORS 419C.230 for an offense described in this**
26 **paragraph; or**
27 **“(iii) The person’s first conviction or adjudication if the offense involved the operation**
28 **of a motor vehicle.**
29 **“(b)** If a court has issued an order suspending driving privileges under this section, the court,
30 upon petition of the person, may withdraw the order at any time the court deems appropriate. The
31 court notification to the department under this subsection may include a recommendation that the
32 person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the
33 permit.
34 “(4) The prohibitions of this section do not apply to any person acting under the direction of the
35 Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local

1 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting
2 sales of alcoholic beverages to persons who are under a certain, specified age.

3 “(5) The prohibitions of this section do not apply to a person under the age of 21 years who is
4 acting under the direction of a licensee for the purpose of investigating possible violations by em-
5 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the
6 age of 21 years.

7 “**NOTE:** Section 20 was deleted by amendment. Subsequent sections were not renumbered.”.

8 On page 16, delete lines 15 through 45.

9 On page 17, delete lines 1 through 39 and insert:

10 “**NOTE:** Sections 23 and 24 were deleted by amendment. Subsequent sections were not renum-
11 bered.”.

12 On page 18, delete lines 1 through 27 and insert:

13 “**SECTION 26.** ORS 809.260 is amended to read:

14 “809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13
15 years of age, **at the time of committing any offense described in subsection (2) of this section,**
16 is [*convicted of any offense described in this subsection or*] determined by a juvenile court to have
17 committed one of the [*described*] offenses **described in subsection (2) of this section,** the court
18 [*shall*] **may** order suspension of the person’s driving privileges[.] **upon:**

19 “(a) **The person’s second or subsequent adjudication for an offense described in sub-**
20 **section (2) of this section;**

21 “(b) **The person’s first adjudication if the person has previously entered into a formal**
22 **accountability agreement under ORS 419C.230 for an offense described in subsection (2) of**
23 **this section; or**

24 “(c) **The person’s first adjudication if the offense involved the operation of a motor ve-**
25 **hicle.**

26 “(2) [*This*] **Subsection (1) of this section** applies [*to ORS 166.370, 475B.341, 475B.346 and*
27 *475B.349 and*] to any offense involving the delivery, manufacture or possession of controlled sub-
28 stances, **or any offense described in ORS 475B.341, 475B.346 or 475B.349.**

29 “[2] (3) Whenever a person who is 20 years of age or younger, but not younger than 13 years
30 of age, at the time of committing any offense described in [*this*] **subsection (4) of this section,** is
31 convicted or determined by a juvenile court to have committed one of the [*described*] offenses **de-**
32 **scribed in subsection (4) of this section,** the court [*shall*] **may** order suspension of the person’s
33 driving privileges **upon:**

34 “(a) **The person’s second or subsequent conviction or adjudication for an offense de-**
35 **scribed in subsection (4) of this section;**

36 “(b) **The person’s first conviction or adjudication if the person has previously entered**
37 **into a formal accountability agreement under ORS 419C.230 for an offense described in sub-**
38 **section (4) of this section; or**

39 “(c) **The person’s first conviction or adjudication if the offense involved the operation of**
40 **a motor vehicle.**

41 “(4) [*This*] **Subsection (3) of this section** applies to any offense involving the possession, use
42 or abuse of alcohol or cannabis.

43 “[3] (5) If a court has issued an order suspending driving privileges under this section, the
44 court, upon petition of the person, may review the order and may withdraw the order at any time
45 the court deems appropriate except as provided in the following:

1 “(a) A court may not withdraw an order for a period of 90 days following the issuance of the
2 order if it is the first such order issued with respect to the person.

3 “(b) A court may not withdraw an order for a period of one year following the issuance of the
4 order if it is the second or subsequent such order issued with respect to the person.

5 “(c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for
6 a period of six months if the order is based on a determination or conviction involving controlled
7 substances.

8 “[(4)] **(6)** Upon receipt of an order under this section, the department shall take action as di-
9 rected under ORS 809.280.”.

10 In line 31, restore “165.805,”.

11 On page 19, line 35, restore “165.805 or”.

12 On page 26, line 27, delete “305.385,”.

13 In line 28, delete “807.060, 807.065,”.

14 In line 30, delete “807.066,” and delete “, 809.320”.

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