

## HOUSE AMENDMENTS TO HOUSE BILL 2355

By COMMITTEE ON JUDICIARY

April 5

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and delete lines 3  
2 and 4 and insert “51.050, 131.915, 131.920, 131.925, 137.633, 161.570, 161.615, 181A.410, 221.339,  
3 419C.501, 423.478, 423.525, 475.005, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894;  
4 and declaring an emergency.”.

5 In line 6, delete “5” and insert “4”.

6 On page 3, line 23, delete “5” and insert “4”.

7 In line 31, delete “July 1, 2020” and insert “December 1, 2019”.

8 On page 4, delete lines 5 through 8 and insert:

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

10 “131.925. (1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy  
11 and Data Review Committee [*a copy of*] **information concerning** each complaint the agency re-  
12 ceives alleging profiling,[]

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

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

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

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

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

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

28 “(c) The committee shall forward a copy of each profiling complaint the committee receives to  
29 the law enforcement agency employing the officer that is the subject of the complaint. The for-  
30 warded complaint must include the name of the complainant unless the complainant requests to re-  
31 main anonymous, in which case the complainant’s name must be redacted.

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

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

1       “(c) As used in this subsection, ‘personal information’ has the meaning given that term in ORS  
2 807.750.]

3       “(4) The Department of State Police shall develop a standardized profiling complaint re-  
4 port form. The form must provide for recording the following information:

5       “(a) A summary of total complaints and a certification that a law enforcement agency’s  
6 profiling policy conforms to ORS 131.920;

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

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

12       “(5) As used in this section, ‘personal information’ has the meaning given that term in  
13 ORS 807.750.”.

14       On page 8, line 3, delete “(a)”.

15       In line 6, delete “(7)(b)” and insert “(8)”.

16       Delete lines 24 through 34 and insert:

17       “(7) Notwithstanding subsection (3)(a) of this section, unlawful possession of a controlled sub-  
18 stance in Schedule I is a Class B felony if:

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

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

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

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

24       “(b) The person possesses:

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

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

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

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

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

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

36       Delete lines 41 and 42 and insert:

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

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

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

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

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

44       “(B) The person possesses 40 or more user units of a mixture or substance containing a detect-  
45 able amount of methadone.”.

1 On page 9, delete lines 4 and 5 and insert:

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

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

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

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

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

9 “(B) The person possesses 40 or more pills, tablets or capsules of a mixture or substance con-  
10 taining a detectable amount of oxycodone.”.

11 Delete lines 9 through 13 and insert:

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

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

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

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

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

19 “(B) The person possesses one gram or more of a mixture or substance containing a detectable  
20 amount of heroin.”.

21 Delete lines 19 through 26 and insert:

22 “(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of  
23 3,4-methylenedioxymethamphetamine is a Class B felony if:

24 “(A) The person possesses a usable quantity of 3,4-methylenedioxymethamphetamine and:

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

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

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

29 “(B) The person possesses one gram or more or five or more pills, tablets or capsules of a mix-  
30 ture or substance containing a detectable amount of:

31 “(i) 3,4-methylenedioxyamphetamine;

32 “(ii) 3,4-methylenedioxymethamphetamine; or

33 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.”.

34 Delete lines 33 through 37 and insert:

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

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

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

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

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

42 “(B) The person possesses two grams or more of a mixture or substance containing a detectable  
43 amount of cocaine.”.

44 Delete lines 44 and 45 and insert:

45 “(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine

1 is a Class C felony if:

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

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

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

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

7 “(B) The person possesses two grams or more of a mixture or substance containing a detectable  
8 amount of methamphetamine.”.

9 On page 10, delete lines 1 through 3 and insert:

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

11 “475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires  
12 otherwise:

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

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

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

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

19 “(3) ‘Administration’ means the Drug Enforcement Administration of the United States Depart-  
20 ment of Justice, or its successor agency.

21 “(4) ‘Agent’ means an authorized person who acts on behalf of or at the direction of a man-  
22 ufacturer, distributor or dispenser. It does not include a common or contract carrier, public  
23 warehouseman or employee of the carrier or warehouseman.

24 “(5) ‘Board’ means the State Board of Pharmacy.

25 “(6) ‘Controlled substance’:

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

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

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

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

39 “(9) ‘Device’ means instruments, apparatus or contrivances, including their components, parts  
40 or accessories, intended:

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

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

44 “(10) ‘Dispense’ means to deliver a controlled substance to an ultimate user or research subject  
45 by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering,

1 packaging, labeling or compounding necessary to prepare the substance for that delivery.

2 “(11) ‘Dispenser’ means a practitioner who dispenses.

3 “(12) ‘Distributor’ means a person who delivers.

4 “(13) ‘Drug’ means:

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

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

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

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

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

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

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

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

29 “(16) ‘Marijuana’:

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

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

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

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

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

45 “(19) ‘Prescription’ means a written, oral or electronically transmitted direction, given by a

1 practitioner for the preparation and use of a drug. When the context requires, ‘prescription’ also  
2 means the drug prepared under such written, oral or electronically transmitted direction. Any label  
3 affixed to a drug prepared under written, oral or electronically transmitted direction shall promi-  
4 nently display a warning that the removal thereof is prohibited by law.

5 “(20) ‘Production’ includes the manufacture, planting, cultivation, growing or harvesting of a  
6 controlled substance.

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

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

13 “(23) ‘Usable quantity’ means:

14 “(a) An amount of a controlled substance that is insufficient to physically weigh inde-  
15 pendent of its packaging and that falls below the uncertainty of the measuring scale; or

16 “(b) An amount of a controlled substance deemed unweighable due to the circumstances  
17 of the controlled substance as determined by a Department of State Police forensic labora-  
18 tory.

19 “[23] (24) ‘Within 1,000 feet’ means a straight line measurement in a radius extending for 1,000  
20 feet or less in every direction from a specified location or from any point on the boundary line of  
21 a specified unit of property.”.

22 In line 4, delete “16” and insert “17”.

23 On page 11, after line 4, insert:

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

26 “423.525. (1) A county, group of counties or intergovernmental corrections entity shall apply to  
27 the Director of the Department of Corrections in a manner and form prescribed by the director for  
28 funding made available under ORS 423.500 to 423.560. The application shall include a community  
29 corrections plan. The Department of Corrections shall provide consultation and technical assistance  
30 to counties to aid in the development and implementation of community corrections plans.

31 “(2)(a) From July 1, 1995, until June 30, 1999, a county, group of counties or intergovernmental  
32 corrections entity may make application requesting funding for the construction, acquisition, ex-  
33 pansion or remodeling of correctional facilities to serve the county, group of counties or intergov-  
34 ernmental corrections entity. The department shall review the application for funding of  
35 correctional facilities in accordance with criteria that consider design, cost, capacity, need, operat-  
36 ing efficiency and viability based on the county’s, group of counties’ or intergovernmental cor-  
37 rections entity’s ability to provide for ongoing operations.

38 “(b)(A) If the application is approved, the department shall present the application with a re-  
39 quest to finance the facility with financing agreements to the State Treasurer and the Director of  
40 the Oregon Department of Administrative Services. Except as otherwise provided in subparagraph  
41 (B) of this paragraph, upon approval of the request by the State Treasurer and the Director of the  
42 Oregon Department of Administrative Services, the facility may be financed with financing agree-  
43 ments, and certificates of participation issued pursuant thereto, as provided in ORS 283.085 to  
44 283.092. All decisions approving or denying applications and requests for financing under this sec-  
45 tion are final. No such decision is subject to judicial review of any kind.

1           “(B) If requests to finance county correctional facility projects are submitted after February 22,  
2 1996, and the requests have not been approved by the department on the date a session of the  
3 Legislative Assembly convenes, the requests are also subject to the approval of the Legislative As-  
4 sembly.

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

11           “(d) After approval of a construction project, the administration of the project shall be con-  
12 ducted as provided in the agreement required by paragraph (c) of this subsection. The agreement  
13 must require at a minimum that the county, group of counties or intergovernmental corrections en-  
14 tity shall submit to the department any change order or alteration of the design of the project that,  
15 singly or in the aggregate, reduces the capacity of the correctional facility or materially changes  
16 the services or functions of the project. The change order or alteration is not effective until ap-  
17 proved by the department. In reviewing the change order or alteration, the department shall con-  
18 sider whether the implementation of the change order or alteration will have any material adverse  
19 impact on the parties to any financing agreements or the holders of any certificates of participation  
20 issued to fund county correctional facilities under this section. In making its decision, the depart-  
21 ment may rely on the opinions of the Department of Justice, bond counsel or professional financial  
22 advisers.

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

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

1 agreements.

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

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

14 “(7) When a county assumes responsibility under ORS 423.500 to 423.560 for correctional ser-  
15 vices previously provided by the department, the county and the department shall enter into an  
16 intergovernmental agreement that includes a local community corrections plan consisting of pro-  
17 gram descriptions, budget allocation, performance objectives and methods of evaluating each  
18 correctional service to be provided by the county. The performance objectives must include in  
19 dominant part reducing future criminal conduct. The methods of evaluating services must include,  
20 to the extent of available information systems resources, the collection and analysis of data suffi-  
21 cient to determine the apparent effect of the services on future criminal conduct.

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

26 “(a) On parole;

27 “(b) On probation;

28 “(c) On post-prison supervision;

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

30 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-  
31 Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, pro-  
32 bation or post-prison supervision; and

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

34 “(9) All community corrections plans shall designate a community corrections manager of the  
35 county or counties and shall provide that the administration of community corrections under ORS  
36 423.500 to 423.560 shall be under such manager.

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

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

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

44 “(a) Evaluate the community corrections policy established in ORS 423.475, 423.478, 423.483 and  
45 423.500 to 423.560; and



1 “(b) Assess the effectiveness of local revocation options.

2 “(13) **As used in this section, ‘designated drug-related misdemeanor’ has the meaning**

3 **given that term in ORS 423.478.**

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

5 “137.633. (1) A person convicted of a felony **or a designated drug-related misdemeanor** and

6 sentenced to probation or to the legal and physical custody of the supervisory authority under ORS

7 137.124 (2) is eligible for a reduction in the period of probation or local control post-prison super-

8 vision for complying with terms of probation or post-prison supervision, including the payment of

9 restitution and participation in recidivism reduction programs.

10 “(2) The maximum reduction under this section may not exceed 50 percent of the period of

11 probation or local control post-prison supervision imposed.

12 “(3) A reduction under this section may not be used to shorten the period of probation or local

13 control post-prison supervision to less than six months.

14 “(4)(a) The Department of Corrections shall adopt rules to carry out the provisions of this sec-

15 tion.

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

17 “(5) As used in this section[,]:

18 “(a) **‘Designated drug-related misdemeanor’ has the meaning given that term in ORS**

19 **423.478.**

20 “(b) ‘Local control post-prison supervision’ means post-prison supervision that is supervised by

21 a local supervisory authority pursuant to ORS 144.101.

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

23 “51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction

24 of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of

25 all offenses committed or triable in their respective counties. The jurisdiction conveyed by this

26 section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal

27 court.

28 “(2) In any justice court that has not become a court of record under ORS 51.025, a defendant

29 charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the

30 right of the defendant to have the matter transferred to the circuit court for the county where the

31 justice court is located. The election shall be made within 10 days after the plea of not guilty is

32 entered, and the justice shall immediately transfer the case to the appropriate court.

33 “(3) A justice court does not have jurisdiction over the trial of any felony **or a designated**

34 **drug-related misdemeanor as defined in ORS 423.478.** Except as provided in ORS 51.037, a justice

35 court does not have jurisdiction over offenses created by the charter or ordinance of any city.

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

37 “221.339. (1) A municipal court has concurrent jurisdiction with circuit courts and justice courts

38 over all violations committed or triable in the city where the court is located.

39 “(2) Except as provided in subsections (3) and (4) of this section, municipal courts have concu-

40 rrent jurisdiction with circuit courts and justice courts over misdemeanors committed or triable in

41 the city. Municipal courts may exercise the jurisdiction conveyed by this section without a charter

42 provision or ordinance authorizing that exercise.

43 “(3) Municipal courts have no jurisdiction over felonies **or designated drug-related**

44 **misdemeanors as defined in ORS 423.478.**

45 “(4) A city may limit the exercise of jurisdiction over misdemeanors by a municipal court under

1 this section by the adoption of a charter provision or ordinance, except that municipal courts must  
2 retain concurrent jurisdiction with circuit courts over:

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

5 “(b) Traffic crimes as defined by ORS 801.545.

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

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

12 “161.615. Sentences for misdemeanors shall be for a definite term. The court shall fix the term  
13 of imprisonment within the following maximum limitations:

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

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

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

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

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

19 “419C.501. (1) The court shall fix the duration of any disposition made pursuant to this chapter  
20 and the duration may be for an indefinite period. Any placement in the legal custody of the De-  
21 partment of Human Services or the Oregon Youth Authority under ORS 419C.478 or placement un-  
22 der the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529 shall be for an  
23 indefinite period. However, the period of institutionalization or commitment may not exceed:

24 “(a) The period of time specified in the statute defining the crime for an act that would consti-  
25 tute an unclassified misdemeanor if committed by an adult;

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

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

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

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

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

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

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

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

40 “**SECTION 24.** **The Oregon Criminal Justice Commission shall study the effect that the**  
41 **reduction of certain unlawful possession of a controlled substance offenses from a felony to**  
42 **a misdemeanor has had on the criminal justice system, rates of recidivism and the compo-**  
43 **sition of the population of persons convicted of felony offenses. The commission shall submit**  
44 **a report detailing the results of the study to the interim committees of the Legislative As-**  
45 **sembly related to the judiciary in the manner provided by ORS 192.245 no later than Sep-**

1 **tember 15, 2018.”.**

2 In line 5, delete “17” and insert “25”.

3 In line 9, delete “(a)”.

4 In line 12, delete “(a)”.

5 In line 15, delete “(a)”.

6 In line 18, delete “(a)”.

7 After line 29, insert:

8 **“SECTION 26. (1) The amendments to ORS 475.005, 475.752, 475.824, 475.834, 475.854,**  
9 **475.874, 475.884 and 475.894 by sections 9 to 16 of this 2017 Act apply to unlawful possession**  
10 **of a controlled substance offenses committed on or after the effective date of this 2017 Act.**

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

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

16 In line 30, delete “18” and insert “27”.

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