LEGISLATIVE UPDATE

2013

House Bills
Senate Bills

Signed Into Law
by
Governor John Kitzhaber

Compiled by:

Oregon Department of Public Safety Standards and Training

With thanks to:

Oregon Association of Chiefs of Police

Oregon District Attorneys’ Association
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NOTE: All bills are effective January 1, 2014 unless otherwise noted in the bill summary.
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A. Traffic/Motor Vehicle Laws:

Electronic Proof of Insurance Authorized
HOUSE BILL 2107, 2013 Oregon Laws, Chapter 108, permits a person to satisfy their requirement to verify proof of insurance by doing so electronically. The measure provides an exemption to the offense of failure to carry proof of compliance with financial responsibility requirements for motor vehicle operators when a police officer verifies compliance through the Law Enforcement Data System.

Emergency Clause: This bill took effect on May 14, 2013.

Civil Immunity for Driver Impairment Report
HOUSE BILL 2195, 2013 Oregon Laws, Chapter 65, specifies that a physician or health care provider who voluntarily makes a report in good faith to the Department of Transportation, regarding a cognitive or functional impairment of an individual, which affects that individual’s ability to safely operate a motor vehicle, is immune from civil liability that might otherwise result from making report.

Provisional Driver’s License Clarification
HOUSE BILL 2261, 2013 Oregon Laws, Chapter 68, specifies that provisional driver license restrictions do not apply to persons 18 years of age or older. The measure is designed to address a few cases that have arisen during recent years where law enforcement cited 18 year olds who have had their provisional licenses for less than one year for violating graduated driver license provisions. The measure specifies that the provisional license restrictions on hours of operation and passengers under 20 years of age apply only to provisional license holders who are under 18 years of age.

Compact of Free Association Driver’s License
HOUSE BILL 2517, 2013 Oregon Laws, Chapter 238, exempts persons who are from countries with a compact of free association with the United States from needing to annually renew their driver license. A Compact of Free Association (COFA) defines the relationship between the United States and three sovereign states: the Federated States of Micronesia; the Republic of the Marshall Islands; and the Republic of Palau.

Short Term Driver’s Card – “Safe Roads Act”
SENATE BILL 833, 2013 Oregon Laws, Chapter 48, directs the Oregon Department of Transportation to create and issue a driver card that is subject to all statutes and procedures that govern driver licenses and driver permits, with the exception that the driver card does not require applicants to prove they are legally present in the United States. The law includes the following additional provisions:
- The person seeking a card provides proof of residency in this state in excess of one year as of the date of application.
The person seeking the card provides proof of identity and date of birth by submitting an unexpired valid passport or an unexpired valid consular identification document.

The driver card is to be valid for four years.

The driver card must not indicate that it is a license or permit and must include a distinguishing feature to identify it as a driver card.

A driver card is not usable for identification purposes except to designate that the individual is an organ donor, an emancipated minor, a veteran, or to establish identity for civil proceedings or missing person investigations.

**Photo Radar in Work Zones/Workers Present**

HOUSE BILL 2265, 2013 Oregon Laws, Chapter 373, allows for use of photo radar enforcement in highway work zones, including work zones located on interstate highways, if workers are present or in cases where the configuration of the roadway is temporarily changed. The measure also removes the sunset on provisions allowing use of photo radar enforcement in highway work zones.

**Revocation for “Failure to Perform the Duties”**

HOUSE BILL 2542, 2013 Oregon Laws, Chapter 124, directs the Department of Transportation to revoke a license for three years where the defendant is convicted of failure to perform the duties of a driver to injured persons under ORS 811.705, and the court notes on the record that a person sustained serious physical injury.

Emergency Clause: This bill took effect on May 16, 2013.

**Traffic Fine Distribution Revisions**

HOUSE BILL 2562, 2013 Oregon Laws, Chapter 685, addresses traffic fine revenue distribution procedures that were created when HB 2712 was passed in 2009. Under current law, the first $60 of most traffic fines collected is required to be remitted to the state as a priority payment. The remainder is kept by the jurisdiction that employs the officer who writes the citation and the court that adjudicates the case. Under this law, the priority payment to the state is dropped to $45 and a $16 payment to the county where the violation occurred is added that will be paid only on fines that are paid in full. A one year sunset was placed on these changes.

Emergency Clause: This bill took effect on July 29, 2013.

**Red Light Photo Admissibility as Evidence**

HOUSE BILL 2601, 2013 Oregon Laws, Chapter 428, allows use of red light photo camera pictures in criminal judicial proceedings of class A misdemeanors or felonies and failure to obey traffic control device prosecutions. Under current law, use of photos/images from red light cameras were only authorized for use related to the red light violation.
“Transit Bus” Definition Modification  
HOUSE BILL 2630, 2013 Oregon Laws, Chapter 202, modifies definition of “transit bus” for purposes of offense of failure to yield right of way to transit bus entering traffic. Because of how “transit bus” is currently defined in ORS 811.167, the statute does not apply to county operated transit buses. House Bill 2630 amends that definition to include these buses.

License Suspension for Failure to Pay Fines  
HOUSE BILL 3047, 2013 Oregon Laws, Chapter 432, allows a court to direct the Department of Motor Vehicles to suspend and resuspend a license for a person who fails to pay fines. The measure makes changes under both the failure to comply statute and the failure to appear statutes. Further, the bill extends the time period for a court to notify DMV of a suspension from 10 to 20 years from the date of the offense.

Emergency Clause: This bill took effect on June 18, 2013.

Citation Dismissal for Certain Window Tinting  
HOUSE BILL 3136, 2013 Oregon Laws, Chapter 216, allows a court to dismiss a citation issued for the offense of operating a motor vehicle with illegal window tinting, or to reduce the fine that the court would otherwise have imposed for the offense, if the defendant establishes that the tinting was modified to comply with statutory requirements.

Photo School Zone Pilot Program (Fairview)  
HOUSE BILL 3438, 2013 Oregon Laws, Chapter 697, authorizes the City of Fairview to conduct a pilot project for the operation of photo radar in a school zone on days when school is in session between the hours of 7:00 a.m. and 5 p.m. if the school zone has a flashing light to alert drivers that children are arriving or leaving the school grounds. The measure sunsets January 2, 2022.

Smoking in a Motor Vehicle  
SENATE BILL 444, 2013 Oregon Laws, Chapter 361, creates a new Class D traffic violation. Occurs when a person “smokes” in a motor vehicle when a person under 18 is present. Enforceable only as a “secondary” offense.

Slow Moving Vehicle Emblem Requirements  
SENATE BILL 487, 2013 Oregon Laws, Chapter 478, expands offense of violation of slow-moving vehicle emblem requirements to include display of slow-moving emblem on highway for purpose other than what is required under law. ORS 815.110 outlines the types of vehicles that are required to display a slow-moving vehicle emblem when operating such vehicle on Oregon roadways.
B. Alcohol and Driving Under the Influence:

**Ignition Interlock Device Exemptions**
HOUSE BILL 2116, 2013 Oregon Laws, Chapter 315, includes the following changes to laws related to the required use of ignition interlock devices including:

- Exempts defendants in a diversion program from having to operate a motor vehicle with an ignition interlock device where the court determines that defendant meets the requirements for a medical exemption.
- Requires a person granted a medical exemption to carry proof of the exemption while operating any vehicle.
- Exempts defendants in a diversion program from having to use an ignition interlock device (IID) while operating an employer’s vehicle and while in the scope of their employment once the employer is properly notified.

**Implied Consent Fix**
HOUSE BILL 2117, 2013 Oregon Laws, Chapter 642, clarifies that nothing in the implied consent law precludes a police officer from obtaining a chemical test of a person’s breath or blood through lawful means for use in a criminal or civil proceeding. This measure reiterates the informed consent law in response to the United State Supreme Court decision in Missouri v. McNeely, decided April 17th, 2013.

Emergency Clause: This bill took effect on July 25, 2013.

**Court Ordered Treatment Completion**
HOUSE BILL 2121, 2013 Oregon Laws, Chapter 233, designates the courts as the entity that determines if a person satisfies their court ordered treatment requirements and directs the court to notify DMV of any restrictions or removal of restrictions. The measure allows a person to file a motion with the circuit court to show that the person has taken sufficient steps to complete treatment and allows a district attorney to object. HB 2121 also prohibits DMV from reinstating driving privileges unless:

1. The person provides proof of completing a treatment program;
2. The person has a court order that the person has taken sufficient steps to complete treatment; or
3. Fifteen years have elapsed since the date of the person’s conviction.

Emergency Clause: This bill took effect on May 28, 2013.

**Diversion Failure/Fees Owed Remedy**
HOUSE BILL 2627, 2013 Oregon Laws, Chapter 78, allows a person who participates in a diversion program to pay off any remaining diversion fees beyond the payment deadline as long as the amount owed is less than $500 and all other requirements of diversion have been satisfied. The purpose of the bill is to avoid a termination of diversion and a subsequent conviction for DUII in cases where failure to pay the fees is the only reason for the diversion failure. The measure also allows the court to order restitution as a condition of diversion even where the underlying
DUII offense is dismissed per successful completion of diversion. This creates a money judgment which survives beyond the diversion period.

Emergency Clause: This bill took effect on May 9, 2013.

**Diversion Disqualifier Elimination (Limited)**
HOUSE BILL 2773, 2013 Oregon Laws, Chapter 134, allows a person to participate in a DUII diversion program even if they were previously ordered to do treatment for a charge of minor in possession of alcohol or possession of less than an ounce of marijuana. As such, the measure removes the “prior treatment” disqualifier from the diversion statute for these listed offenses.

**C. New Crimes/Offenses and Changes to Existing Crimes:**

**Smoking in a Motor Vehicle**
SENATE BILL 444, 2013 Oregon Laws, Chapter 361, creates a new Class D violation. The law prohibits a person a person from smoking in a motor vehicle when a person under 18 is present. “Smokes” is defined in the bill. Enforceable only as a “secondary” offense.

**Increased Penalties for Animal Abuse/Neglect**
SENATE BILL 6, 2013 Oregon Laws, Chapter 719, elevates aggravated animal abuse in the first degree to a category 6 on the sentencing guidelines grid and elevates animal abuse in the first degree to category 6 on sentencing guidelines grid if the offender was previously convicted of domestic violence, child abuse, or if the offense is committed in the presence of a minor child. In addition, the measure:

- Increases the penalty for animal neglect in the second degree to a class C felony:
  - In cases where the person committing the offense has two or more previous convictions for similar offenses.
  - In cases where the offense involves 11 or more animals.
  - In cases where the offense is committed in the presence of a minor child and the person has one or more previous convictions for offenses involving domestic violence.

Increases the penalty for animal neglect in the first degree to a Class C felony and directs the Oregon Criminal Justice Commission to classify the offense as a crime category 6 if 10 to 40 animals are involved and to a crime category 7 if over more than 40 animals are involved:

- In cases where the person committing the offense has two or more previous convictions for similar offenses.
- In cases where the offense involves 10 or more animals.
- In cases where the offense is committed in the presence of a minor child.
Prohibits a person from possessing equines (or other animals of the same genus) if they are convicted of animal neglect with the exception of a first-time offender who owns a commercial livestock operation for a violation involving livestock.

Provides an alternative service for notice of forfeiture, provides a defendant with the opportunity to testify at a hearing with regard to the forfeiture before the court issues a final finding and establishes a process for a hearing regarding any impoundment and/or lien.

Establishes standards and a licensing program for animal rescue entities that also authorizes inspections upon complaint and seizure upon evidence of cruelty.

Emergency Clause: This bill took effect on August 1, 2013.

**Increased Penalty for Initiating a False Report**

SENATE BILL 834, 2013 Oregon Laws Chapter 490, increases the penalty for initiating a false report from a “C” misdemeanor to an “A” misdemeanor and requires the court to assess the costs of responding and investigating to false report to be paid by the convicted person.

Emergency Clause: This bill took effect on June 24, 2013.

**Increased Penalty for Operating a Motor Vehicle While Using a Mobile Communications Device**

SENATE BILL 9, 2013 Oregon Laws, Chapter 757, increases the penalty for this offense from a “D” violation to a “C” violation.

**Definition of “within 1000 feet”**

HOUSE BILL 3434, 2013 Oregon Laws, Chapter 588, defines the term “within 1000 feet” as a straight line measurement in a radius extending 1000 feet or less in every direction from a specified location or from any point on a boundary line of real property comprising an existing public or private elementary, secondary or career school or an existing licensed child care facility. The measure specifies the way that the 1,000 feet is to be measured for any crime that requires a 1,000 foot measurement.

**Adds “Sexting” to Harassment Statute**

HOUSE BILL 3194, 2013 Oregon Laws, Chapter 649, among other provisions primarily concerned with sentencing, amends the Harassment statute (ORS 166.065) to include distribution of a visual recording (ORS 163.665) of a person under 18 at the time of the recording, providing an option for prosecutors to charge conduct outside of BM 11. (Intended to address the conduct more commonly known as “sexting.”)

Emergency Clause: This language in bill took effect on August 1, 2013.
Adds “Attempted” to Compelling Prostitution
HOUSE BILL 2334, 2013 Oregon Laws, Chapter 271, adds the term “attempted prostitution” to the compelling prostitution statute, ORS 167.017, in terms of using force or intimidation to compel another to engage in attempted prostitution or aiding or facilitating the commission of attempted prostitution. Adding the “attempt” language will assist in prosecutions where the compelled person is reticent to testify against their compeller.

Emergency Clause: This bill took effect on June 4, 2013.

Business Entities a Protected Person for ID Theft
SENATE BILL 141, 2013 Oregon Laws, Chapter 158, adds business entities as a protected person for purposes of identity theft. In addition, the measure:

- Increases penalties for filing false corporate documents with the Secretary of State from a Class B misdemeanor to a Class A misdemeanor.
- Requires corporations to maintain a physical presence where a registered agent can be served.
- Allows the Secretary of State’s Office to verify physical address.
- Allows Secretary of State to withdraw document filed in error at the request of an authorized business representative within one year.

Emergency Clause: This bill took effect on May 16, 2013.

Offense of Unlawful Tethering/New Theory for Animal Neglect I and II
HOUSE BILL 2783, 2013 Oregon Laws, Chapter 382, creates the offense of unlawful tethering of a domestic animal and establishes such offenses as Class B violations. Further, the measure provides that unlawful tethering occurs when a person tethers a domestic animal in their custody or control:

- With a tether that is an unreasonable length given the size of the animal
- With a collar that pinches or chokes the animal when pulled
- For more than 10 hours in a 24-hour period; or
- For more than 15 hours in a 24-hour period if the tether is attached to a pulley or running line.

In addition, House Bill 2783 defines what constitutes adequate bedding and adequate shelter for purposes of “minimum care” of a domestic animal. Currently, failure to provide minimum care of a domestic animal constitutes animal neglect. House Bill 2783 adds tethering which results in serious physical injury or death to the crime of Animal Neglect I, and tethering which results in physical injury to the crime of Animal Neglect II. The measure does not apply when the owner is physically present with the animal, while the owner is complying with campground requirements, when hunting or transporting an animal and when a dog is kept for herding, protecting livestock or dogsledding.
Amendment to Aggravated Harassment – Propelling Saliva at Public Safety Officers
SENATE BILL 482, 2013 Oregon Laws, Chapter 477, adds “saliva” to the list of fluids that are illegal to propel at public safety officers, when it comes into contact with public safety officers. The measure requires that propulsion of saliva be intentional. Public safety officers include emergency medical technicians, liquor inspectors, fire fighters, and police officers.

Emergency Clause: This bill took effect on June 24, 2013.

Purchasing Sex with a Minor (new crime)/Patronizing a Prostitute (amended)
SENATE BILL 673, 2013 Oregon Laws, Chapter 720, creates the new crime of purchasing sex with a minor. The measure establishes the first offense as a Class C felony and allows the defendant to use an affirmative defense that defendant reasonably believed the person solicited was eighteen or older (ORS 163.325) if the minor was at least 16 years old. In addition, the measure:

- Allows the court to require the offender to register as a sex offender but does not create a mandate.
- Mandates “john school” if a defendant has one or more prior convictions and sets the penalty as a Class B felony with mandated sex offender registration.
- Prohibits use of the affirmative defense that the defendant reasonably believed the child was eighteen or older for subsequent offenses.
- Modifies the crime of trafficking in persons by creating different felony classifications for benefiting financially from trafficking and knowing that another person will be subjected to involuntary servitude (Class B felony); and knowing that a person will be coerced into commercial sex acts by force or fraud and disregarding the fact that trafficked person is a minor (Class A felony).
- Includes these crimes under the “rape shield” laws for evidentiary purposes.
- Allows application by a prosecuting attorney for use of technology to intercept wire, oral, or electronic communication to investigate these crimes.
- Allows victims of these crimes to apply to the court for restitution awards within 90 days of the sentencing, and to criminal victims’ compensation fund for covering of certain related expenses.
- Adds these crimes under the definition of crimes covered by the racketeering statute.
- Adds these crimes in definition of sex crimes, making these offenses for which registration is required.
- Adds these crimes to definition of sexual exploitation.
- Grants Department of Public Safety Standards and Training with the ability to require advanced training in sex trafficking.
ORS 167.008, the crime of patronizing a prostitute, is amended by removing all the language in subsection (3) dealing with patronizing a minor. The crime now simply states that a person commits the crime of patronizing a prostitute if the person pays, or offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.

Emergency Clause: This bill took effect on August 1, 2013.

D. Sentencing and Related Issues:

Mitigation
SENATE BILL 124, 2013 Oregon Laws, Chapter 331, amends ORS 137.090 to provide that the defendant’s status as a service member may be considered for purposes of mitigation.

Emergency Clause: This bill took effect on June 6, 2013.

Public Safety Sentencing Reform/Reinvestment Package
HOUSE BILL 3194, 2013 Oregon Laws, Chapter 649, makes changes to five areas of Oregon criminal law: 1) Sentencing; 2) Offender Incentives; 3) Offender Supervision; 4) Program Assessment; and 5) Correctional Resources. The measure makes changes designed to reduce the bed impact on the state corrections system by adjusting sentences and by reinvesting in reentry programs designed to reduce recidivism. The measure includes the following provisions:

1. Re-ranks all marijuana Possession, Delivery & Manufacture to presumptive probation unless it is within 1000 feet of a school or delivery to a minor.
2. Re-ranks Felony Driving While Suspended to presumptive probation unless the underlying basis for the suspension was a vehicular homicide or assault resulting in serious physical injury.
3. Changes presumptive sentences of ID Theft and Robbery III from 24 months to 18 months (sunsets in 10 years)
4. Eliminates mandatory minimums for repeat drug offenders (sunsets in 10 years)
5. Increases transitional leave from 30 to 90 days (sunsets in 10 years)
6. Allows early termination of probation or post-prison supervision if a person has complied with the terms of supervision, including restitution and participates in a recidivism reduction program.
7. Provides probation officers with the authority to modify conditions of probation based upon a risk and needs assessment.
8. Amends the Harassment statute to include distribution of a visual recording of a person under 18, providing an option for prosecutors to charge conduct outside of BM 11. (Intended to address the conduct more commonly known as “sexting.”)
9. Establishes the authority for circuit courts to set up and participate in post-prison supervision (sunsets in 10 years).
10. Sets performance measures for Specialty Courts and encourages the courts to target medium and high risk offenders.
11. Requires the Department of Administrative Services to identify margin of error, attribute growth or decline in forecast relative to previous forecasts to specific policies, etc.
12. Requires randomized controlled trials using an analytical tool chosen by the Criminal Justice Commission in conjunction with the Public Safety Task Force. Defines recidivism that is consistent with federal law.
13. Adds impact on local governmental units to fiscal impact statements, requires the impact statements to extend ten years out.
14. Creates the Center for Policing Excellence at the department of Public Safety Standards and Training.
15. Sets a goal of reduction in state correctional costs by 5% over a 10-year period and defines what costs should be attributable to cost-per-day.
16. Establishes a Justice Reinvestment Account where the newly formed Justice Reinvestment Grant Review Committee awards grants in consultation with the Criminal Justice Commission. Counties are required to establish a process to assess offenders and to provide sanctions, services and programs designed to reduce recidivism and decrease use of DOC beds. Requires that 10% of grant funds awarded be distributed to community-based nonprofit victim organization beginning in 2015-17.
17. Creates a 13-member Task Force charged with reviewing the implementation provisions of this act, consider policy implications of earned review for juveniles, and evaluate the DOC Cost Reduction report.

Emergency Clause: This bill took effect on July 25, 2013.

Staying Execution of Sentence Pending Appeal
SENATE BILL 39, 2013 Oregon Laws, Chapter 151, makes it clear that a trial judge may stay the execution of sentence pending appeal after considering factors such as nature of offense; severity of sentence imposed; health of defendant; character and strength of evidence; criminal history of defendant; likelihood that defendant will appear in court and comply with conditions of release; likelihood appellate court will reverse sentence. The court may also set terms of release pending appeal. The former statute providing for release pending appeal (ORS 138.135) is repealed.

E. Criminal Procedure:

Preliminary Hearings
HOUSE BILL 2553, 2013 Oregon Laws, Chapter 74, requires that when a defendant is in custody, a preliminary hearing must be held within five judicial days.

Emergency Clause: This bill took effect on May 9, 2013.
Brady v. Maryland Disclosure Codification
SENATE BILL 492, 2013 Oregon Laws, Chapter 525, requires disclosure to a defendant of material information in the possession or control of the district attorney that tends to exculpate the defendant, negate or mitigate the defendant’s guilt or punishment or impeach a witness. The measure prohibits conditioning a plea bargain on waiver of right and codifies the current constitutional Brady standard from case law.

Tracking Device Warrant
SENATE BILL 186, 2013 Oregon Laws, Chapter 359, allows a court to issue a warrant authorizing the installation or tracking of a mobile tracking device when the investigation involves the alleged violation of criminal provisions of the wildlife, commercial fishing, or outfitters and guide laws.

Emergency Clause: This bill took effect on June 11, 2013.

Trial Court DNA Appeal Process
SENATE BILL 42, 2013 Oregon Laws, Chapter 152, creates a process for the appeal of a trial court decision: to allow or disallow DNA testing; to allow or disallow a new trial; and to disallow appointment of counsel. The measure applies retroactively to prior trial court decisions where an appeal was not available.

Emergency Clause: This bill took effect on May 16, 2013.

Sex Crime Conviction Set Aside
HOUSE BILL 3327, 2013 Oregon Laws, Chapter 390, authorizes court to set aside conviction of a sex crime listed in ORS 181.830(1) if the person has been relieved of their obligation to register as a sex offender and has not been convicted of an otherwise non-eligible crime. The measure authorizes a juvenile court to expunge records of persons who were found to be in the jurisdiction of the juvenile court based on an act that, if committed by an adult, would have constituted rape III, sodomy III, sex abuse III, or an attempt to commit any of those crimes if a strict set of circumstances are applicable including:

- The person committing crime was under 16 at the time;
- The victim was within three years of age;
- The incapacity is due solely to the difference in age;
- The victim was at least 12 years old at the time.


F. Sexual Offenders:

Sex Offender Registration
HOUSE BILL 2549, 2013 Oregon Laws, Chapter 708, creates a three-tier system for ranking sex offenders based on their risk as established by a designated risk ranking system.
assessment tool. It requires all offenders in the current system (almost 20,000 individuals) to be reclassified. Offenders classified in the first tier are eligible for relief from reporting obligations five years after the end of their supervision. Offenders classified in the second tier are eligible to apply for reclassification into tier one 10 years after the end of their supervision. Offenders classified in the third tier are eligible to apply to be moved into tier two 10 years after their supervision has ended. Tier 3 offenders are not eligible to apply for total relief from reporting obligations, ever. Offenders convicted of Rape I, Sodomy I, Unlawful Sexual Penetration I, Kidnap I or Burglary I will never be eligible for relief from the obligation to register as a sex offender. The bill creates requirements for notification of the public. It requires all classifications of existing registrants to be completed by December 1, 2016. Relief hearings are designated critical stage for which victims must be notified of, and that victims may attend.

Emergency Clause: This bill took effect on August 1, 2013.

Out of State/Federal Sex Offender Notification

HOUSE BILL 3253, 2013 Oregon Laws, Chapter 437, amends ORS 181.594 adding to the definition of a “sex offender” anyone who has been convicted of a crime in another United States court that would require sex offender registration if committed in Oregon, or would require registration in the other state or under federal law, even if it would not otherwise require registration in Oregon. All such persons must comply with all the sex offender registration requirements in Oregon if convicted of an offense, or adjudicated for an act, occurring on or after the effective date of this act.

Emergency Clause: This bill took effect on June 18, 2013.

Sex Offender Registry Additions

SENATE BILL 30, 2013 Oregon Laws, Chapter 293, adds luring a minor (ORS 167.057), and conspiracy involving a sex crime (ORS 161.450) to the list of crimes defined as “Sex Crimes” for purposes of the sex offender registry. The measure gives the Judge discretion whether or not to designate a conviction of luring a minor as a sex crime.

Emergency Clause: This bill took effect on June 18, 2013.

Sexual Abuse Restraining Orders

HOUSE BILL 2779, 2013 Oregon Laws, Chapter 687, allows a person who has been sexually abused and who has an objectively reasonable fear for his or her physical safety to petition a circuit court for a restraining order against his or her alleged abuser if:

- The person seeking the restraining order and respondent are not family or household members;
- The respondent is at least 18 years old; and
- The respondent is not already subject to a restraining order.
The measure requires the court to hold an ex parte hearing on the day of filing or on the following judicial day. If a petitioner can show that his or her fear is objectively reasonable and that the respondent subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition, the court must:

- Restrain respondent from contacting or intimidating the petitioner; and
- Restrain the respondent from contacting the petitioner’s children or family or household members if requested. If respondent is restrained from entering an area surrounding the petitioner’s residence, the order must describe the area.

Emergency Clause: This bill took effect on July 29, 2013.

G. Corrections/Parole and Probation:

Conveying Prisoners
HOUSE BILL 2685, 2013 Oregon Laws, Chapter 130, modifies ORS 421.205 and ORS 421.210 relating to the conveyance of felony prisoners to those contracting with DOC to provide prison services. Inmates, by this bill, may not be conveyed to the receiving (contracting) prison if “they are eligible for any form of temporary or transitional leave from custody, work release or a program of conditional or supervised released, that is authorized by the department . . .” Expands use of inmate revenues (like canteen, phone use, vending machines, etc.) to include applying such funds to providing for or supporting reentry programs.

Emergency Clause: This bill took effect on May 16, 2013.

Inactive Status for Post-Prison Offenders
HOUSE BILL 2234, 2013 Oregon Laws, Chapter 67, removes the sunset on a provision of law that allows an offender on post-prison supervision to be placed on inactive status. Offenders may be placed on inactive status when they comply with the terms and conditions of their supervision and require less intensive supervision.

Emergency Clause: This bill took effect on May 9, 2013.

DOC Obligation to Train Corrections Officers
HOUSE BILL 2235, 2013 Oregon Laws 2013, Chapter 573, continues the obligation of the Department of Corrections to train corrections officers and sets a sunset date on the provision for January 2, 2026. In 2009, the Legislature transferred the responsibility for training DOC corrections officers from the Department of Public Safety Standards and Training to the Department of Corrections.
Out of State DOC Contracting Authority
HOUSE BILL 2236, 2013 Oregon Laws, Chapter 7, allows the Department of Corrections to continue to contract with other public entities to send Oregon inmates to out of state corrections facilities through January 2, 2018. This authority is provided in order to give the Department of Corrections statutory authority to address prison overcrowding when it occurs.

Inmate Trade Work
HOUSE BILL 3245, 2013 Oregon Laws, Chapter 328, This measure prohibits inmates in the custody of the Department of Corrections from performing electrical or plumbing work unless they are under the direct supervision of a regular status Department employee who is a licensed electrician or plumber. The measure further specifies that work may only be performed at facilities owned or leased by the Department.

Emergency Clause: This bill took effect on June 6, 2013.

H. Law Enforcement Issues:

OHSU Police Department Authority
SENATE BILL 565, 2013 Oregon Laws, Chapter 180, expands the authority of the Oregon Health and Science University police department to have all the authority of a municipal police department. The measure requires the creation of a complaint process and authorizes mutual aid agreements with other police departments. OHSU gained the authority to have a police department in the 2009 session but without the authority for officers to carry guns. Senate Bill 565 removes the prohibition on guns, removes limitations on OHSU authority under ORS 353.050(16) and expands the authority to align with city police departments. The measure also amends several criminal code provisions as regards the definition of “peace officer.”

Emergency Clause: This bill took effect on May 16, 2013.

Employer Address on DMV Records
HOUSE BILL 2041, 2013 Oregon Laws, Chapter 56, allows employee of law enforcement unit, under certain circumstances, to request that Department of Transportation use address of individual’s employer, as opposed to individual’s home address, on records maintained by Department.

Drone Regulation for Law Enforcement
HOUSE BILL 2710, 2013 Oregon Laws, Chapter 686, prohibits law enforcement from using a drone to acquire information unless specifically authorized to do so by statute. The measure:
- Requires a search warrant unless there are exigent circumstances.
- Allows a drone to be used for emergencies or tracking individuals fleeing a crime.
• Allows a drone to be used for reconstructing a crime scene or for training purposes.
• Requires public bodies to register drones with the Oregon Aviation Board and report annually on its use.
• Preempts local government from regulating drones.
• Establishes that it is a crime to use a drone to attack an airplane and to interfere with the use of an Unmanned Aerial Vehicle.
• Prohibits public bodies from arming drones.
• Grants attorney fees to a property owner under certain limited circumstances if the drone has been trespassing in the airspace above the person’s property.
• Limits the use of information that a public body obtains from a drone.
• Makes the reporting requirements applicable after January 1, 2016.
• Allows the Oregon Aviation Board to adopt rules to implement the reporting requirements.


I. Crime Victims:

Elder Abuse Reporting and Investigation
HOUSE BILL 2205, 2013 Oregon Laws, Chapter 352, adds members of the Oregon Legislative Assembly, attorneys, dentists, optometrists, and chiropractors to the list of those persons who must report elderly abuse. (This provision is not operative until Jan. 1, 2015). Exempts attorneys and members of the clergy from reporting elderly abuse if the information was obtained pursuant to their respective professional capacities. Requires those with a duty to report to do so not just when working in their professional capacity but all the time. Requires Department of Human Services to adopt rules to ensure that investigations of abuse of vulnerable persons are conducted in uniform, objective and thorough manner throughout state. Directs DHS to prepare annual report to Legislative Assembly regarding reports and complaints of abuse.

Emergency Clause: This bill took effect on June 11, 2013.
Task Force on Victims’ Rights Continuation
HOUSE BILL 2774, 2013 Oregon Laws, continues the Task Force on Victims’ Rights Enforcement by repealing the sunset clause on the existing law. As background, the 2009 legislature created the Task Force on Victims’ Rights Enforcement to review the implementation of crime victims’ rights. The Attorney General appoints members of the task force including: (1) two individuals associated with groups advocating for the rights of victims; (2) one criminal defense attorney; (3) one district attorney or assistant district attorney; (4) one member of the Department of Justice Crime Victim’s Services Division; (5) or other persons the Attorney General deems appropriate. The Chief Justice of the Oregon Supreme Court appoints: (1) one judge; (2) one person employed by the Department of Justice; and (3) one person employed by the Office of Public Defense Services.

Emergency Clause: This bill took effect on July 1, 2013.

Restitution
HOUSE BILL 3277, 2013 Oregon Laws, Chapter 388, clarifies the timing for an order of restitution, establishes obligations on the State related to restitution hearings, and allows the victim to accept a less than the “full” amount of restitution. It eliminates the “prior to the time of sentencing” language of the current statute and makes it clear that the State may at the time of sentencing or within 90 days after the entry of judgment establish the amount of restitution. The time may be extended on a showing of good cause. The State, at least 10 days prior to the restitution hearing, must disclose to the Defendant the names of witnesses to be called at the hearing and provide copies (or inspect) exhibits to be presented at the hearing. The court “shall” grant a continuance if the State fails to do so, but the continuance does not count toward the 90 days. The court may order a restitution amount less than the full amount of the victim’s economic damages “only if” the victim consents in a non-person felony case, or the victim consents in writing to a lesser amount for a person felony.

Emergency Clause: This bill took effect on June 13, 2013.

Notice to Victims
HOUSE BILL 3281, 2013 Oregon Laws, Chapter 144, amends ORS 135.970 to expand the current requirement upon defense attorneys, to their agents, to inform victims upon contact of their identity and capacity as well as the rights of the victim to refuse the interview. Additionally, the victim must be informed that the victim has the right to have the district attorney, or now an assistant attorney general, another attorney, or an advocate, present for any contact by the defense. The definition of victim given in ORS 137.007 is added. The same requirements of notice under ORS 138.625 are added in post-conviction relief proceedings. It also limits when the defense can subpoena a victim for a post-conviction relief proceeding.
Sexual Abuse Restraining Orders

HOUSE BILL 2779, 2013 Oregon Laws, Chapter 687, allows a person who has been sexually abused and who has an objectively reasonable fear for his or her physical safety to petition a circuit court for a restraining order against his or her alleged abuser if:

- The person seeking the restraining order and respondent are not family or household members;
- The respondent is at least 18 years old; and
- The respondent is not already subject to a restraining order.

The measure requires the court to hold an ex parte hearing on the day of filing or on the following judicial day. If a petitioner can show that his or her fear is objectively reasonable and that the respondent subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition, the court must:

- Restrain respondent from contacting or intimidating the petitioner; and
- Restrain the respondent from contacting the petitioner’s children or family or household members if requested. If respondent is restrained from entering an area surrounding the petitioner’s residence, the order must describe the area.

Emergency Clause: This bill took effect on July 29, 2013.

J. Juvenile Law:

Parole and Probation Custody Authority

HOUSE BILL 2049, 2013 Oregon Laws, Chapter 259, allows a “juvenile community supervision officer” to take a youth into custody that violates parole. In addition, the measure:

- Requires the “juvenile community supervision officer” to bring a youth under 18 to a juvenile detention facility and youth over 18 to an adult detention facility.
- Defines a “juvenile community supervision officer” as an employee of the Oregon Youth Authority (OYA) who is a juvenile parole or probation officer, or an assistant to such an officer.

Emergency Clause: This bill took effect on June 4, 2013.

School Drills for Safety Threats

HOUSE BILL 2789, 2013 Oregon Laws, Chapter 463, requires schools to drill and instruct for safety threats, such as lockdown procedures, twice per year. HB 2789 also requires a review of emergency procedures by local first responders and updates “duck, cover and hold” instruction with current “drop, cover and hold on” language.

Emergency Clause: This bill took effect on July 1, 2013.
Sheriff Authorized to Deliver Juvenile to OYA
HOUSE BILL 3183, 2013 Oregon Laws, Chapter 355, allows a sheriff, by agreement with the Oregon Department of Corrections, to deliver a youth offender directly to the Oregon Youth Authority. Currently a juvenile fifteen years of age or older, convicted of a Measure 11 offense, or a juvenile waived to adult court for trial is sentenced to the legal custody of the DOC and the physical custody of the OYA.

Emergency Clause: This bill took effect on June 11, 2013.

Dependency Proceedings
HOUSE BILL 3363, 2013 Oregon Laws, Chapter 439, provides, among other provisions, that children who are protected by a FAPA restraining order may petition the court to renew the restraining order against the respondent after they turn 18 years of age. The petitioner parent of the child does not need to seek the renewal or agree to a renewal. In the case of the child who was previously protected by the order, has now turned 18 years old, and reasonably fears further acts of abuse by the respondent if the order is not renewed, the court may renew the restraining order. Additionally, if the petitioner parent no longer wishes to be a party to the restraining order, the court may renew the order and remove the parent as a party and leave the child who has turned 18 as the sole party to the restraining order against the respondent.

Work Release Program for Juvenile Offenders
SENATE BILL 188, 2013 Oregon Laws, Chapter 229, amends ORS 420.060 to 420.235 to allow the Oregon Youth Authority to establish and administer a work release program for youth in its custody. This does not include those serving sentences under ORS 137.635, ORS 137.700 or ORS 137.707. Any unauthorized absence from the place of employment, work assignment, or assigned quarters shall constitute escape in the second degree from a correctional facility. ORS 137.750 is amended to add the Oregon Youth Authority to the definition of an “executing or releasing authority.”

Emergency Clause: This bill took effect on May 23, 2013.

K. Marijuana/Controlled Substances:

Medical Marijuana

Medical Marijuana Dispensary Legalization
HOUSE BILL 3460, 2013 Oregon Laws, Chapter 726, legalizes and regulates marijuana dispensaries and includes the following provisions:

- Requires Oregon Health Authority (OHA) to establish by rule a medical marijuana facility registration system for the transfer of usable marijuana between grow sites and registry identification card holders.
- Establishes minimum requirements for a facility application, location and security requirements.
• Requires the Oregon Health Authority (OHA) to conduct criminal background checks of facility applicants and to refuse a registration if a responsible person has a conviction of manufacturing or delivering a controlled substance in Oregon or elsewhere.
• Requires marijuana facility to test marijuana for pesticides, mold and mildew.
• Requires a facility to receive authorization from a registry card holder prior to receiving marijuana from a grow site.
• Exempts a facility from marijuana plant and usable amount limits.
• Allows the OHA to inspect a facility and records to ensure compliance.
• Allows a registry card holder to reimburse a facility for normal and customary costs of doing business.
• Requires OHA to notify a former facility of a change of facility by a registration card holder.

Emergency Clause: This bill took effect on August 14, 2013.

Debilitating Medical Condition Change
SENATE BILL 281, 2013 Oregon Laws, Chapter 337, amends ORS 475.302 to add post-traumatic stress disorder to the list of specific medical conditions that qualify as a “debilitating medical condition”. It also further amends the definition to include any side effects related to the treatment of cancer, glaucoma, agitation incident to Alzheimer’s disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome.

Non-Medical Marijuana Legislation

Marijuana Penalty Changes
SENATE BILL 40, 2013 Oregon Laws, Chapter 591, reduces manufacture of marijuana to a Class B felony. Possession of marijuana is reclassified to coincide with the rescheduling of marijuana in Oregon (from Schedule I to Schedule II), and also to create the new intermediate misdemeanor between a violation and a felony as follows:

Leaves, stems, flowers:
• Less than 1 ounce: Violation, ORS 475.864(3)(c). Fine for the violation is $650.00
• 1 ounce to under 4 ounces: B Misdemeanor, ORS 475.864(3)(b).
• 4 ounces or more: C Felony, ORS 475.864(3)(a).
• The ability to elevate the violation offense to a C misdemeanor for possession of less than 1 ounce within 1000 feet of a school is GONE.
Other forms (Defined by the bill as “marijuana product.” E.g., hash, hash oil, etc.):
- 1/4 ounces or more: C Felony, ORS 475.864(4)(a).

Emergency Clause: This bill took effect on July 1, 2013.

**Marijuana License Suspension Elimination**
SENATE BILL 82, 2013 Oregon Laws, Chapter 592, eliminates Oregon Driver’s License suspension as a punishment for conviction of possession of less than an ounce of marijuana for persons age 18 and older. The measure gives a judge discretion to suspend the license of a person under 18 years of age, for possession of less than an ounce of marijuana, if it is in the interest of public safety.

Emergency Clause: This bill took effect on July 1, 2013.

**Prescription Drugs**

**Prescription Drugs Diversions**
HOUSE BILL 2554, 2013 Oregon Laws, Chapter 75, adds unlawfully possessing a prescription drug under ORS 689.527(6) to the list of crimes eligible for a diversion agreement. This “diversion” statute gives courts and district attorneys flexibility in handling charges where all parties agree that the person being charged would benefit from completing conditions such as treatment, rather than having a conviction on their record.

Emergency Clause: This bill took effect on May 9, 2013.

**Prescription Drug Monitoring**
SENATE BILL 470, 2013 Oregon Laws, Chapter 550, amends the prescription monitoring program administered by the Oregon Health Authority. It expands the definition of a “practitioner” as it applies to the requirements of this program. The practitioner or pharmacist is responsible for the misuse of the disclosed information if it is provided to the practitioner’s or pharmacist’s staff. Disclosure of information is authorized to the State Medical Examiner, or their designee, for the purpose of conducting a medicolegal investigation or autopsy.

**L. Mental Illness:**

**Outpatient Assisted Treatment Orders**
HOUSE BILL 2594, 2013 Oregon Laws, Chapter 737, creates new standards for courts to order people to engage in outpatient assisted treatment. The measure includes the following additional provisions: The bill establishes a standard that a person ordered to engage in outpatient assisted treatment is deteriorating to point that person will predictably become a person with mental illness as defined in ORS 426.005. It lists factors that the court is required to consider when making such a determination. Conforms language across all statutes to “persons with mental
illness” rather than “mentally ill person.” It allows people who would not meet the high standard required for inpatient commitment to be ordered to engage in outpatient treatment in the community they live in.

Civil Commitment Proceedings Terminology
SENATE BILL 426, 2013 Oregon Laws, Chapter 360, updates terminology with respect to civil commitment proceedings regarding person alleged to have mental illness.

Civil Commitment for “Extremely Dangerous” People
SENATE BILL 421, 2013 Oregon Laws, Chapter 715, creates a new standard of civil commitment for “extremely dangerous” people. The measure:

- Requires that person be supervised by Psychiatric Security Review Board (PSRB) and have initial review hearing in six months, and have a status review only if requested by the hospital/treatment facility, or every two years, whichever comes first.
- Allows the prosecuting attorney to petition the court for a commitment hearing.
- Directs a hospital superintendent to petition for early termination of commitment where the committed person no longer suffers from disease or defect, or is no longer extremely dangerous.
- Instructs supervisory agency to notify parties before commitment period ends, and hold hearing determining whether or not a new period of commitment should be set.
- Tolls statute of limitations for the duration of the commitment if there is a pending underlying crime and allows prosecuting attorney to request an aid and assist evaluation be done in advance of any hearing where the person may be released from the jurisdiction of the PSRB.

Emergency Clause: This bill took effect on August 1, 2013.

M. Miscellaneous:

Criminal Background Checks

Tribal Background Checks for Foster Care
HOUSE BILL 2053, 2013 Oregon Laws, Chapter 57, allows a Native American tribe to request a criminal background check from the Oregon State Police on a person who is seeking to be certified by the tribe to provide foster care services. For the purposes of a criminal background check, the measure permits the Department of Human Services, the Oregon Health Authority or the Employment Division to require the fingerprints of a person that a Native American tribe would like to certify for foster care services.

Emergency Clause: This bill took effect on May 9, 2013.
DHS Notice for Criminal Records Requests
HOUSE BILL 2920, 2013 Oregon Laws, Chapter 322, allows the Department of Human Services to give the required notice to an individual that DHS is requesting the individual’s criminal records from the Oregon State Police before or after the information is obtained from the State Police. The measure eliminates the requirement for DHS to give notice that Title VII of the Civil Rights Act of 1964 may apply to an individual whose criminal records have been requested from the State Police.

Emergency Clause: This bill took effect on June 6, 2013.

Electronic Fingerprint Capture Requirement
HOUSE BILL 3330, 2013 Oregon Laws, Chapter 693, requires governmental agencies to utilize electronic fingerprint capture services for criminal record checks beginning January 1, 2014. The measure requires DAS to establish a standard contract for electronic fingerprint capture services and requires certain agencies to conduct a study of fingerprint capture practices and report the results to the Legislative Assembly on or before October 1, 2014.

Emergency Clause: This bill took effect on July 29, 2013.

Voluntary Records Check Registry
HOUSE BILL 3331, 2013 Oregon Laws, Chapter 694, requires the Department of State Police to establish a Voluntary Central Criminal Records Check Registry and includes the following provisions:

- Allows an individual that is subject to a criminal records check to enroll in the registry and submit evidence of enrollment in the registry in lieu of submitting to an additional criminal records check.
- Authorizes the Department to establish requirements for enrollment and to enroll individuals meeting certain criteria.
- Limits enrollment in the registry to two years unless renewed and requires the Department to conduct an annual records check on all enrollees and to remove individuals no longer meeting criteria for enrollment.
- Requires the Department to notify an agency that accepted evidence of enrollment of an individual’s removal from registry.

Emergency Clause: This bill took effect on July 29, 2013.
DPSST Legislation

DPSST Denial of Training or Certification
HOUSE BILL 2043, 2013 Oregon Laws, Chapter 6, clarifies that the Department of Public Safety Standards and Training has jurisdiction to proceed with a denial of training or certification against a public safety officer or instructor, even if the officer has left police work, if DPSST has issued a notice to deny training or certification and the officer has requested a hearing.

Emergency Clause: This bill took effect on March 18, 2013.

Center for Policing Excellence
HOUSE BILL 3194, 2013 Oregon Laws, Chapter 649, establishes within the Department of Public Safety Standards and Training the Oregon Center for Policing Excellence. (The language pertaining to the CPE was originally introduced in SB 481. That bill did not pass, and the CPE provisions became part of the Public Safety Reinvestment Package in HB 3194.) The primary purpose of the center is to make policing in Oregon more effective by promoting evidence-based policing practices and thus reducing the number of offenders coming into the criminal justice system. In addition, the center’s purpose is the development and delivery of training to public safety personnel in Oregon to enhance their skills related to:

- Problem solving;
- Leadership and facilitation;
- Effective application and use of information from reputable research;
- Identifying and addressing future challenges affecting public safety.

Emergency Clause: This bill took effect on July 25, 2013.

Emergency

Public Safety Fiscal Emergency Declaration
HOUSE BILL 3453, 2013 Oregon Laws, Chapter 753, allows the Governor to determine the fiscal conditions that compromise the ability of a county to provide a minimally adequate level of services and declare a “Public Safety Fiscal Emergency” in a county. The measure includes the following provisions:

- Prior to declaring such an emergency, the Governor shall consult with Senate President, Senate Majority and Minority Leader; Speaker of the House, Majority and Minority leader of the House; and each Senator and Representative whose district is wholly or partially within county subject to the emergency.
- After obtaining written authorization signed by governing body of each county subject to proclamation, the Governor may enter into a written intergovernmental agreement (IGA) with the affected counties and other counties for performance of functions and activities of the affected county.
- The cost of the services provided under an intergovernmental agreement will be shared between state and counties parties to the IGA. The state will bear
50 percent of costs and affected counties will bear 50 percent of cost. To pay for the county’s portion of cost, counties may impose a surtax on state personal, corporate income or excise tax; a tax on telecommunication services; impose any assessment county governing body is lawfully capable of imposing; use existing sources of county revenue; or any combination of previously identified funding sources.

Additional provisions of HB 3453 include:

- The bill provides that a public safety fiscal emergency proclamation terminates after 18 months unless Governor extends declaration for up to 18 more months.
- The Governor shall terminate the public safety fiscal emergency by proclamation when the emergency no longer exists or when the threat of emergency has passed.
- The public safety fiscal emergency proclaimed by Governor may be terminated at any time by action of Legislative Assembly.
- The measure sunsets on January 2, 2018.

Emergency Clause: This bill took effect on October 7, 2013.

Automatic Location Identification Database
SENATE BILL 598, 2013 Oregon Laws, Chapter 305, requires operators to enable public safety answering points (PSAPs) to obtain a street address and building name, at minimum, from the automatic location identification database (ALID) for 9-1-1 calls. The measure includes the following additional provisions:

- Exempts operators of key telephone systems, wireless telecommunications, and multiline systems serving single level, single tract structures of 10,000 square feet or less.
- Requires managers to work to ensure user awareness of 9-1-1 call procedures.
- Requires operators to arrange an automatic location identification database update upon installation of a new phone system in order to enable PSAPs to obtain a 9-1-1 caller address and callback number.
- Provides civil immunity for 9-1-1 jurisdictions and complying providers, manufacturers, managers, and operators.
- Applies to multiline telephone systems installed one year or more after passage.

Emergency Clause: This bill took effect on June 6, 2013.
Miscellaneous New Legislation

Website Mug Shot Removal Procedure
HOUSE BILL 3467, 2013 Oregon Laws, Chapter 330, mandates that websites which post mug shots must remove them and all accompanying information, without charging the requesting party a fee for the removal, when they receive a request in writing from a person who has been:
- acquitted, or
- where charges have been dismissed, or
- if the crime was reduced to a violation

The measure further provides that a party failing to remove the photograph and other information related to the arrest, 30 days or more after being formally requested to do so, commits an unlawful practice under ORS 646.608.

“Grey Machine” Regulation
HOUSE BILL 2603, 2013 Oregon Laws, Chapter 128, requires law enforcement to prove that a machine they seize as a gray machine is a gray machine and not an amusement device. As such, when a motion for return or restoration of the device is filed under ORS 133.633, the burden of proof is on the state to establish that the device is in fact a gray machine. The measure allows law enforcement to destroy a gray machine if a court has entered a forfeiture judgment.

Emergency Clause: This bill took effect on May 16, 2013.

First Responder Appreciation Day
HOUSE BILL 2182, 2013 Oregon Laws, Chapter 20, designates every September 27th, First Responder Appreciation Day. This measure is designed to provide an opportunity for expressions of gratitude for volunteer and career first responders by declaring September 27th of each year, First Responder Appreciation Day. The date was chosen by a Colorado citizen who originated the idea in response to a school shooting incident that occurred on that date in 2006. Colorado was the first state to establish September 27th as a First Responder Appreciation Day.

Emergency Clause: This bill took effect on July 1, 2013.

PERS Vesting for Line of Duty Death
HOUSE BILL 3487, 2013 Oregon Laws, Chapter 589, Allows any deceased member of the Public Employees Retirement System killed in the course and scope of the member’s employment, as certified by the employer, to be considered vested under pension program of the Oregon Public Service Retirement Plan (OPSRP). The measure covers police officers, firefighters and other deceased members of PERS-OPSRP.

Emergency Clause: This bill took effect on July 1, 2013.
Racial and Ethnic Impact Statement
SENATE BILL 463, 2013 Oregon Laws, Chapter 600, requires the Oregon Criminal Justice Commission, at the written request of one legislative member from each political party, to prepare a statement on proposed legislation or on a measure’s impact on racial and ethnic composition of the criminal offender population or recipients of human services. Further, the bill requires grants awarded to corporations or other legal entities by state agencies to include a racial and ethnic impact statement. The bill sunsets in 2018.

Oregon Alignment with National Fireworks Law
SENATE BILL 29, 2013 Oregon Laws, Chapter 24, aligns the definitions of Oregon fireworks law to make them consistent with national standard definitions. Current Oregon definitions are inconsistent with the American Pyrotechnics Association’s definitions.

Civil Forfeiture for DWS
HOUSE BILL 2384, 2013 Oregon Laws, Chapter 374, authorizes civil forfeiture for the crime of driving while suspended. A motor vehicle may be seized for civil or criminal forfeiture if the individual is arrested or cited for driving while suspended or revoked and the person within three years has been criminally convicted of driving while suspended. A law enforcement agency must adopt policies and procedures if they intend to seize and forfeit vehicles when the prohibited conduct is driving while suspended.