

Division 80—ILLEGAL MARIJUANA MARKET ENFORCEMENT GRANT PROGRAM

**1) ADOPT NEW: 213-080-0010**

**RULE TITLE:** Authority and Application

**RULE TEXT:**

(1) These rules are promulgated pursuant to Sections 13 to 17, Chapter 103, 2018 Oregon Laws. (Enrolled Senate Bill 1544)

(2) These rules apply beginning July 1, 2018.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**2) ADOPT NEW: 213-080-0020**

**RULE TITLE:** Purpose

**RULE TEXT:**

The purpose of these rules is to administer the Illegal Marijuana Market Enforcement Grant Program established by Sections 13 to 17, Chapter 103, 2018 Oregon Laws.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**3) ADOPT NEW: 213-080-0030**

**RULE TITLE:** Definitions

**RULE TEXT:**

As used in OAR 213-000-0010 to 213-080-0080, unless the context requires otherwise:

(1) “Applicant” means one or more units of local government that submits an application to the Commission for a grant under the Illegal Marijuana Market Enforcement Grant Program.

(2) “Business day” means 8:00 a.m. to 5:00 p.m., Pacific Time, Monday through Friday, excluding State of Oregon holidays.

(3) “Commission” means the Oregon Criminal Justice Commission.

(4) “Large-scale” means illegal marijuana cultivation or distribution operations that involve multiple persons, large quantities of illegal marijuana, quantities of illegal marijuana of significant monetary value, operations that take place over large geographic areas, or any combination of those circumstances.

(5) “Rural area” means a geographic area that is located at least 25 miles from any city with a population of 30,000 or more, or a county with a population of less than two hundred thousand people, according to the most recent population statistics of the United States bureau of the census.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes definitions in the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**4) ADOPT NEW: 213-080-0040**

**RULE TITLE:** Grant Applications

**RULE TEXT:**

- (1) The grant application cycle is determined by the Commission and identified in the Illegal Marijuana Market Enforcement Grant Program solicitation.
- (2) One or more units of local government may submit applications in response to the solicitation for the Illegal Marijuana Market Enforcement Grant Program individually or jointly.
- (3) An Applicant may use up to 10 percent of the funds payable under the Illegal Marijuana Market Enforcement Grant Program for grant-related administrative costs, including activities such as purchasing, budgeting, payroll, accounting, staff services, and other costs as deemed appropriate by the Commission. Administrative costs may also include funds to pay for grant-related data collection activities.
- (4) The Commission may communicate directly, or through its program staff, with an Applicant to clarify the intent of its application or to recommend modifications in furtherance of the purposes of the Illegal Marijuana Market Enforcement Grant Program.
- (5) The Commission may, in its sole discretion, waive solicitation requirements or cancel any solicitation in whole or in part if it deems such action to be in the best interests of the Illegal Marijuana Market Enforcement Grant Program.
- (6) If unallocated funds remain at the conclusion of the grant acceptance period, the Commission shall distribute all remaining funds in the manner provided in OAR 213-080-0070.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the application process for the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**5) ADOPT NEW:** 213-080-0050

**RULE TITLE:** Grant Application Review Criteria

**RULE TEXT:**

The Commission shall review and evaluate each grant application based on the following criteria:

- (1) The grant application must demonstrate how grant funds are spent on costs incurred by local law enforcement agencies and district attorneys in addressing and prosecuting unlawful marijuana cultivation or distribution operations.
- (2) In awarding grants, the Commission will prioritize grant applications that demonstrate how financial assistance and support to local law enforcement agencies and district attorneys will address any or all of the following:
  - (a) Rural areas of this state;
  - (b) Large-scale unlawful marijuana cultivation or distribution operations;
  - (c) Organized crime involved in unlawful marijuana cultivation or distribution operations; and
  - (d) Operations that divert marijuana outside of this state.
- (3) In reviewing grant applications that meet sections (1) and (2) of this rule, the Commission may give preference to applications that demonstrate that an Applicant will:
  - (a) Participate in training opportunities that assist the Applicant in addressing and prosecuting unlawful marijuana cultivation or distribution operations;
  - (b) Address cases that require complex financial forensic accounting;
  - (c) Track and report on outcomes as described by the Commission in the solicitation;

- (d) Collaborate with other local governments and agencies to achieve multi-jurisdictional outcomes consistent with the criteria described in OAR 213-080-0050; and  
(4) Other criteria that the Commission chooses to include in the solicitation.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the application review criteria for the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**6) ADOPT NEW:** 213-080-0060

**RULE TITLE:** Grant Application Processing and Awards

**RULE TEXT:**

(1) Commission staff shall evaluate each application based on the criteria provided in OAR 213-080-0050, and the solicitation (if any), and will make recommendations to the Commission.

(2) The Commission shall review each grant application and the recommendations of Commission staff, and provide final approval in whole or in part. The Commission may reject portions of the application that fail to meet the criteria set forth in OAR 213-080-0050.

(3) The Commission shall notify Applicants of the decision of the Commission within 60 business days from the expiration of the grant application deadline. If there are extenuating circumstances, the Commission may, in its sole discretion, extend the deadline for award notification. The Commission shall prepare a grant award agreement for each grant awarded, which will set forth the terms, conditions, and requirements of the grant. The Commission may issue a provisional award with continued funding contingent upon improved performance and progress towards the criteria set forth in OAR 213-080-0050.

(4) The Commission may amend or adjust a grant awarded under this rule to address new circumstances, funding opportunities, or other developments in the implementation of a grant. After the grant is awarded the Commission may amend the amount originally awarded.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the application processing for the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**7) ADOPT NEW:** 213-080-0070

**RULE TITLE:** Supplemental Grant Period

**RULE TEXT:**

(1) If unallocated funds remain at the conclusion of the grant acceptance period or become available during the biennium, the Commission may use unallocated funds to supplement and expand the scope of one or more grants that were awarded, without the need for further grant solicitation, but using the criteria provided in OAR 213-080-0050.

(2) If unallocated funds remain at the conclusion of the grant acceptance period or become available during the biennium, the Commission may use unallocated funds to issue a supplemental competitive grant application solicitation, and allow for the submission of new applications, using the criteria and process provided in OAR 213-080-0040 through 213-080-0070.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes a supplemental grant period for unallocated funds in the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.

**8) ADOPT NEW:** 213-080-0080

**RULE TITLE:** Evaluating Efficacy; Report to the Legislature

**RULE TEXT:**

(1) Local law enforcement programs and services that are funded by the grant will be evaluated by the Commission based on the effectiveness of the programs and services at curtailing the unlawful marijuana market in Oregon.

(2) Not later than January 1, 2020, and not later than January 1 each year thereafter, the Commission will submit a report on the status and effectiveness of the Illegal Marijuana Market Enforcement Grant Program to the interim committees of the Legislative Assembly related to the judiciary.

**Statutory/Other Authority:** 2018 OL Ch.103 §13-17

**Statutes/Other Implemented:** 2018 OL Ch.103 §13-17

**RULE SUMMARY:** The new rule establishes the evaluation of effectiveness for the Illegal Marijuana Market Enforcement Grant Program after 2018 legislation.