

LC 778
2017 Regular Session
12100-013
10/24/16 (JLM/ps)

D R A F T

SUMMARY

Reduces crime classification of unlawful possession of controlled substance in Schedule I. Punishes by maximum of one year’s imprisonment, \$6,250 fine, or both, except in specified circumstances. Retains current crime classification if possession is commercial drug offense or if person possesses substantial quantity of controlled substance.

Reduces crime classification of unlawful possession of controlled substance in Schedule II. Punishes by maximum of one year’s imprisonment, \$6,250 fine, or both, except in specified circumstances. Retains current crime classification if possession is commercial drug offense or if person possesses substantial quantity of controlled substance.

Establishes Task Force on Public Safety.

Requires Oregon Criminal Justice Commission to create racial and ethnic impact statement for either proposed legislation or state measure that is related to crime and likely to have impact on criminal justice system. Requires that statement pertaining to state measure be printed in voters’ pamphlet.

A BILL FOR AN ACT

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Relating to crime; creating new provisions; amending ORS 137.656, 161.570, 251.185, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894 and sections 1, 3 and 5, chapter 600, Oregon Laws 2013; and repealing section 10, chapter 600, Oregon Laws 2013.

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

SECTION 1. ORS 475.752, as amended by section 59, chapter 24, Oregon Laws 2016, is amended to read:

475.752. (1) Except for licensees and licensee representatives, as those terms are defined in ORS 475B.015, that are engaged in lawful activities, and except for a person acting within the scope of and in compliance with ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 475B.245, and except as authorized by ORS 475.005 to 475.285 and 475.752 to
2 475.980, it is unlawful for any person to manufacture or deliver a controlled
3 substance. Any person who violates this subsection with respect to:

4 (a) A controlled substance in Schedule I, is guilty of a Class A felony,
5 except as otherwise provided in ORS 475.886 and 475.890.

6 (b) A controlled substance in Schedule II, is guilty of a Class B felony,
7 except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880,
8 475.882, 475.904 and 475.906.

9 (c) A controlled substance in Schedule III, is guilty of a Class C felony,
10 except as otherwise provided in ORS 475.904 and 475.906.

11 (d) A controlled substance in Schedule IV, is guilty of a Class B
12 misdemeanor.

13 (e) A controlled substance in Schedule V, is guilty of a Class C
14 misdemeanor.

15 (2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980,
16 it is unlawful for any person to create or deliver a counterfeit substance.
17 Any person who violates this subsection with respect to:

18 (a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

19 (b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

20 (c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

21 (d) A counterfeit substance in Schedule IV, is guilty of a Class B
22 misdemeanor.

23 (e) A counterfeit substance in Schedule V, is guilty of a Class C
24 misdemeanor.

25 (3) It is unlawful for any person knowingly or intentionally to possess a
26 controlled substance, other than marijuana, unless the substance was ob-
27 tained directly from, or pursuant to a valid prescription or order of, a prac-
28 titioner while acting in the course of professional practice, or except as
29 otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any
30 person who violates this subsection with respect to:

31 (a) A controlled substance in Schedule I, is guilty of a Class [*B felony*]

1 **A misdemeanor**, except as otherwise provided in ORS **475.854, 475.874 and**
2 **475.894 and subsection (7)(a) of this section.**

3 (b) A controlled substance in Schedule II, is guilty of a Class [*C felony*]
4 **A misdemeanor**, except as otherwise provided in ORS **475.824, 475.834,**
5 **475.864 or [section 47, chapter 24, Oregon Laws 2016] 475.884 or subsection**
6 **(7)(b) of this section.**

7 (c) A controlled substance in Schedule III, is guilty of a Class A
8 misdemeanor.

9 (d) A controlled substance in Schedule IV, is guilty of a Class C
10 misdemeanor.

11 (e) A controlled substance in Schedule V, is guilty of a violation.

12 (4) In any prosecution under this section for manufacture, possession or
13 delivery of that plant of the genus *Lophophora* commonly known as peyote,
14 it is an affirmative defense that the peyote is being used or is intended for
15 use:

16 (a) In connection with the good faith practice of a religious belief;

17 (b) As directly associated with a religious practice; and

18 (c) In a manner that is not dangerous to the health of the user or others
19 who are in the proximity of the user.

20 (5) The affirmative defense created in subsection (4) of this section is not
21 available to any person who has possessed or delivered the peyote while
22 incarcerated in a correctional facility in this state.

23 (6)(a) Notwithstanding subsection (1) of this section, a person who un-
24 lawfully manufactures or delivers a controlled substance in Schedule IV and
25 who thereby causes death to another person is guilty of a Class C felony.

26 (b) For purposes of this subsection, causation is established when the
27 controlled substance plays a substantial role in the death of the other per-
28 son.

29 **(7)(a) Notwithstanding subsection (3)(a) of this section, unlawful**
30 **possession of a controlled substance in Schedule I is a Class B felony**
31 **if:**

1 **(A) The possession is a commercial drug offense under ORS 475.900**
2 **(1)(b); or**

3 **(B) The person possesses:**

4 **(i) Two hundred or more user units of a mixture or substance con-**
5 **taining a detectable amount of lysergic acid diethylamide; or**

6 **(ii) Sixty grams or more of a mixture or substance containing a**
7 **detectable amount of psilocybin or psilocin.**

8 **(b) Notwithstanding subsection (3)(b) of this section, unlawful pos-**
9 **session of a controlled substance in Schedule II is a Class C felony if**
10 **the possession is a commercial drug offense under ORS 475.900 (1)(b).**

11 **SECTION 2.** ORS 475.824 is amended to read:

12 475.824. (1) It is unlawful for any person knowingly or intentionally to
13 possess methadone unless the methadone was obtained directly from, or
14 pursuant to, a valid prescription or order of a practitioner while acting in
15 the course of professional practice, or except as otherwise authorized by ORS
16 475.005 to 475.285 and 475.752 to 475.980.

17 **(2)(a) Unlawful possession of methadone is a Class [*C felony*] A**
18 **misdemeanor.**

19 **(b) Notwithstanding paragraph (a) of this subsection, unlawful**
20 **possession of methadone is a Class C felony if the possession is a**
21 **commercial drug offense under ORS 475.900 (1)(b).**

22 **SECTION 3.** ORS 475.834 is amended to read:

23 475.834. (1) It is unlawful for any person knowingly or intentionally to
24 possess oxycodone unless the oxycodone was obtained directly from, or pur-
25 suant to, a valid prescription or order of a practitioner while acting in the
26 course of professional practice, or except as otherwise authorized by ORS
27 475.005 to 475.285 and 475.752 to 475.980.

28 **(2)(a) Unlawful possession of oxycodone is a Class [*C felony*] A**
29 **misdemeanor.**

30 **(b) Notwithstanding paragraph (a) of this subsection, unlawful**
31 **possession of oxycodone is a Class C felony if the possession is a**

1 **commercial drug offense under ORS 475.900 (1)(b).**

2 **SECTION 4.** ORS 475.854 is amended to read:

3 475.854. (1) It is unlawful for any person knowingly or intentionally to
4 possess heroin.

5 (2)(a) Unlawful possession of heroin is a Class [*B felony*] **A**
6 **misdemeanor.**

7 **(b) Notwithstanding paragraph (a) of this subsection, unlawful**
8 **possession of heroin is a Class B felony if:**

9 **(A) The possession is a commercial drug offense under ORS 475.900**
10 **(1)(b); or**

11 **(B) The person possesses five grams or more of a mixture or sub-**
12 **stance containing a detectable amount of heroin.**

13 **SECTION 5.** ORS 475.874 is amended to read:

14 475.874. (1) It is unlawful for any person knowingly or intentionally to
15 possess 3,4-methylenedioxymethamphetamine.

16 (2)(a) Unlawful possession of 3,4-methylenedioxymethamphetamine is a
17 Class [*B felony*] **A misdemeanor.**

18 **(b) Notwithstanding paragraph (a) of this subsection, unlawful**
19 **possession of 3,4-methylenedioxymethamphetamine is a Class B felony**
20 **if:**

21 **(A) The possession is a commercial drug offense under ORS 475.900**
22 **(1)(b); or**

23 **(B) The person possesses five grams or more or 25 or more pills,**
24 **tablets or capsules of a mixture or substance containing a detectable**
25 **amount of:**

26 **(i) 3,4-methylenedioxyamphetamine;**

27 **(ii) 3,4-methylenedioxymethamphetamine; or**

28 **(iii) 3,4-methylenedioxy-N-ethylamphetamine.**

29 **SECTION 6.** ORS 475.884 is amended to read:

30 475.884. (1) It is unlawful for any person knowingly or intentionally to
31 possess cocaine unless the substance was obtained directly from, or pursuant

1 to, a valid prescription or order of a practitioner while acting in the course
2 of professional practice, or except as otherwise authorized by ORS 475.005
3 to 475.285 and 475.752 to 475.980.

4 (2)(a) Unlawful possession of cocaine is a Class [*C felony*] **A**
5 **misdemeanor.**

6 (b) **Notwithstanding paragraph (a) of this subsection, unlawful**
7 **possession of cocaine is a Class C felony if:**

8 (A) **The possession is a commercial drug offense under ORS 475.900**
9 **(1)(b); or**

10 (B) **The person possesses 10 grams or more of a mixture or sub-**
11 **stance containing a detectable amount of cocaine.**

12 **SECTION 7.** ORS 475.894 is amended to read:

13 475.894. (1) It is unlawful for any person knowingly or intentionally to
14 possess methamphetamine unless the substance was obtained directly from,
15 or pursuant to, a valid prescription or order of a practitioner while acting
16 in the course of professional practice, or except as otherwise authorized by
17 ORS 475.005 to 475.285 and 475.752 to 475.980.

18 (2)(a) Unlawful possession of methamphetamine is a Class [*C felony*] **A**
19 **misdemeanor.**

20 (b) **Notwithstanding paragraph (a) of this subsection, unlawful**
21 **possession of methamphetamine is a Class C felony if:**

22 (A) **The possession is a commercial drug offense under ORS 475.900**
23 **(1)(b); or**

24 (B) **The person possesses 10 grams or more of a mixture or sub-**
25 **stance containing a detectable amount of methamphetamine.**

26 **SECTION 8.** ORS 161.570 is amended to read:

27 161.570. (1) As used in this section, “nonperson felony” has the meaning
28 given that term in the rules of the Oregon Criminal Justice Commission.

29 (2) A district attorney may elect to treat a Class C nonperson felony or
30 a violation of ORS 475.752 [(3)(a)] (7)(a), 475.854 (2)(b) or 475.874 (2)(b) as
31 a Class A misdemeanor. The election must be made by the district attorney

1 orally or in writing at the time of the first appearance of the defendant. If
2 a district attorney elects to treat a Class C felony or a violation of ORS
3 475.752 [(3)(a)] (7)(a), 475.854 (2)(b) or 475.874 (2)(b) as a Class A
4 misdemeanor under this subsection, the court shall amend the accusatory
5 instrument to reflect the charged offense as a Class A misdemeanor.

6 (3) If, at some time after the first appearance of a defendant charged with
7 a Class C nonperson felony or a violation of ORS 475.752 [(3)(a)] (7)(a),
8 475.854 (2)(b) or 475.874 (2)(b), the district attorney and the defendant agree
9 to treat the charged offense as a Class A misdemeanor, the court may allow
10 the offense to be treated as a Class A misdemeanor by stipulation of the
11 parties.

12 (4) If a Class C felony or a violation of ORS 475.752 [(3)(a)] (7)(a), 475.854
13 (2)(b) or 475.874 (2)(b) is treated as a Class A misdemeanor under this sec-
14 tion, the court shall clearly denominate the offense as a Class A
15 misdemeanor in any judgment entered in the matter.

16 (5) If no election or stipulation is made under this section, the case pro-
17 ceeds as a felony.

18 (6) Before a district attorney may make an election under subsection (2)
19 of this section, the district attorney shall adopt written guidelines for de-
20 termining when and under what circumstances the election may be made.
21 The district attorney shall apply the guidelines uniformly.

22 (7) Notwithstanding ORS 161.635, the fine that a court may impose upon
23 conviction of a misdemeanor under this section may not:

24 (a) Be less than the minimum fine established by ORS 137.286 for a felony;
25 or

26 (b) Exceed the amount provided in ORS 161.625 for the class of felony
27 receiving Class A misdemeanor treatment.

28 **SECTION 9. (1) The Task Force on Public Safety is established,**
29 **consisting of 13 members appointed to two-year terms as follows:**

30 (a) **The President of the Senate shall appoint two members from**
31 **among members of the Senate.**

1 **(b) The Speaker of the House of Representatives shall appoint two**
2 **members from among members of the House of Representatives.**

3 **(c) The Chief Justice of the Supreme Court shall appoint two**
4 **members.**

5 **(d) The Governor shall appoint seven members as follows:**

6 **(A) One member shall be a county commissioner.**

7 **(B) One member shall be a district attorney.**

8 **(C) One member shall be a criminal defense attorney.**

9 **(D) Two members shall be representatives of law enforcement.**

10 **(E) One member shall be a representative of community corrections**
11 **directors who is not a sheriff.**

12 **(F) One member shall be a representative of a community-based**
13 **organization that provides services to victims of crime.**

14 **(2) The task force shall study security release in Oregon, focusing**
15 **on reducing racial and ethnic disparity in pretrial incarceration, in-**
16 **cluding:**

17 **(a) Repealing statutes authorizing security release in favor of**
18 **courts, or another entity with delegated authority, making release**
19 **decisions;**

20 **(b) Utilizing pretrial release risk assessments; and**

21 **(c) Methods of reducing failure to appear at court hearings.**

22 **(3) No later than September 15, 2018, the task force shall submit to**
23 **the Legislative Assembly, in the manner provided by ORS 192.245, a**
24 **report that describes the findings of the task force. The report may**
25 **include recommendations for legislation. The task force shall provide**
26 **a copy of the report to the Governor.**

27 **(4) A majority of the members of the task force constitutes a quo-**
28 **rum for the transaction of business.**

29 **(5) Official action by the task force requires the approval of a ma-**
30 **jority of the members of the task force.**

31 **(6) The task force shall elect one of its members to serve as chair-**

1 **person.**

2 (7) If there is a vacancy for any cause, the appointing authority
3 shall make an appointment to become immediately effective.

4 (8) The task force shall meet at times and places specified by the
5 call of the chairperson or of a majority of the members of the task
6 force.

7 (9) The task force may adopt rules necessary for the operation of
8 the task force.

9 (10) Upon request, the Oregon Criminal Justice Commission, the
10 Department of Corrections and the Oregon Department of Adminis-
11 trative Services shall provide staff support to the task force.

12 (11) All agencies of state government, as defined in ORS 174.111, are
13 directed to assist the task force in the performance of its duties and,
14 to the extent permitted by laws relating to confidentiality, to furnish
15 such information and advice as the members of the task force consider
16 necessary to perform their duties.

17 **SECTION 10.** (1) As used in this section, “criminal offender popu-
18 lation” means all persons who are convicted of a crime or adjudicated
19 for an act that, if committed by an adult, would constitute a crime.

20 (2)(a) The Oregon Criminal Justice Commission shall prepare a ra-
21 cial and ethnic impact statement on proposed legislation reported out
22 of a committee of the Legislative Assembly that is related to crime
23 and likely to have an effect on the criminal justice system.

24 (b) The statement shall describe the effects of the proposed legis-
25 lation on the racial and ethnic composition of the criminal offender
26 population.

27 (3) A racial and ethnic impact statement must be impartial, simple
28 and understandable and must include, for racial and ethnic groups for
29 which data are available, the following:

30 (a) An estimate of how the proposed legislation would change the
31 racial and ethnic composition of those likely to be convicted of a

1 **criminal offense created or modified by the proposed legislation;**

2 **(b) An estimate of the average length of incarceration that each**
3 **racial and ethnic composition group receives as a sentence, if appli-**
4 **cable;**

5 **(c) A statement of the methodologies and assumptions used in pre-**
6 **paring the estimate; and**

7 **(d) An estimate of the racial and ethnic composition of the crime**
8 **victims who may be affected by the proposed legislation.**

9 **(4) The commission shall adopt rules to carry out the provisions of**
10 **this section.**

11 **SECTION 11. (1)(a) The Oregon Criminal Justice Commission shall**
12 **prepare a racial and ethnic impact statement for each state measure**
13 **that is related to crime and likely to have an effect on the criminal**
14 **justice system.**

15 **(b) The racial and ethnic impact statement must:**

16 **(A) Describe the effects of the state measure on the racial and**
17 **ethnic composition of the criminal offender population as defined in**
18 **section 10 of this 2017 Act;**

19 **(B) Must include the information described in section 10 (3) of this**
20 **2017 Act; and**

21 **(C) Be impartial, simple and understandable.**

22 **(2) If the commission has prepared a racial and ethnic impact**
23 **statement for a state measure, not later than the 110th day before a**
24 **special election held on the date of a primary election or any general**
25 **election at which the state measure is to be submitted to the people,**
26 **the commission shall file the statement with the Secretary of State.**

27 **(3) Not later than the 100th day before the election at which the**
28 **measure is to be voted upon, the Secretary of State shall hold a**
29 **hearing in Salem upon reasonable statewide notice to receive sug-**
30 **gestions for changes to the statement or to receive other information.**
31 **At the hearing, any person may submit suggested changes or other**

1 **information orally or in writing. Written suggestions and any other**
2 **information also may be submitted at any time before the hearing.**

3 **(4) The commission shall consider suggestions and any other infor-**
4 **mation submitted under subsection (3) of this section and may file a**
5 **revised statement with the Secretary of State not later than the 90th**
6 **day before the election at which the measure is to be voted upon.**

7 **(5) The Secretary of State shall certify the statement not later than**
8 **the 90th day before the election at which the measure is to be voted**
9 **upon.**

10 **(6) All statements prepared under this section shall be made avail-**
11 **able to the public.**

12 **(7) A failure to prepare, file or certify a statement does not prevent**
13 **inclusion of the measure in the voters' pamphlet.**

14 **SECTION 12.** Section 1, chapter 600, Oregon Laws 2013, is amended to
15 read:

16 **Sec. 1.** *[(1) As used in this section:]*

17 *[(a) "Criminal offender population" means all persons who are convicted*
18 *of a crime or adjudicated for an act that, if committed by an adult, would*
19 *constitute a crime.]*

20 *[(b)]* **(1) As used in this section,** "recipients of human services" means
21 all persons who are found to be within the jurisdiction of the juvenile court
22 under ORS 419B.100 or who receive child welfare services described in ORS
23 418.005.

24 **(2)** To obtain a racial and ethnic impact statement described in this sec-
25 tion, one member of the Legislative Assembly from each major political party
26 must sign a written request. Upon receipt of the written request, the Oregon
27 Criminal Justice Commission shall prepare a racial and ethnic impact
28 statement that describes the effects of proposed legislation on the racial and
29 ethnic composition of[:]

30 *[(a) The criminal offender population; or]*

31 *[(b)]* recipients of human services.

1 (3) A racial and ethnic impact statement must be impartial, simple and
2 understandable and must include, for racial and ethnic groups for which data
3 are available, the following:

4 (a) An estimate of how the proposed legislation would change the racial
5 and ethnic composition of the [*criminal offender population or*] recipients of
6 human services; **and**

7 (b) A statement of the methodologies and assumptions used in preparing
8 the estimate.[; *and*]

9 [*(c) If the racial and ethnic impact statement addresses the effect of pro-*
10 *posed legislation on the criminal offender population, an estimate of the racial*
11 *and ethnic composition of the crime victims who may be affected by the pro-*
12 *posed legislation.*]

13 (4) The commission shall adopt rules to carry out the provisions of this
14 section.

15 **SECTION 13.** Section 3, chapter 600, Oregon Laws 2013, is amended to
16 read:

17 **Sec. 3.** (1) To obtain a racial and ethnic impact statement described in
18 this section, one member of the Legislative Assembly from each major poli-
19 tical party must sign a written request. Upon receipt of the written request,
20 the Oregon Criminal Justice Commission shall prepare a racial and ethnic
21 impact statement that describes the effects of a state measure on the racial
22 and ethnic composition of[:]

23 [*(a) The criminal offender population, as defined in section 1 of this 2013*
24 *Act; or*]

25 [*(b)*] recipients of human services, as defined in section 1 [*of this 2013*
26 *Act*], **chapter 600, Oregon Laws 2013.**

27 (2) The statement must be impartial, simple and understandable and must
28 include the information described in section 1 (3) [*of this 2013 Act*], **chapter**
29 **600, Oregon Laws 2013.**

30 (3) If the commission has prepared a racial and ethnic impact statement
31 for a state measure, not later than the 99th day before a special election held

1 on the date of a primary election or any general election at which the state
2 measure is to be submitted to the people, the commission shall file the
3 statement with the Secretary of State.

4 (4) Not later than the 95th day before the election, the Secretary of State
5 shall hold a hearing in Salem upon reasonable statewide notice to receive
6 suggestions for changes to the statement or to receive other information. At
7 the hearing, any person may submit suggested changes or other information
8 orally or in writing. Written suggestions and any other information also may
9 be submitted at any time before the hearing.

10 (5) The commission shall consider suggestions and any other information
11 submitted under subsection (4) of this section and may file a revised state-
12 ment with the Secretary of State not later than the 90th day before the
13 election at which the measure is to be voted upon.

14 (6) The Secretary of State shall certify the statement not later than the
15 90th day before the election at which the measure is to be voted upon.

16 (7) All statements prepared under this section shall be made available to
17 the public.

18 (8) A failure to prepare, file or certify a statement does not prevent
19 inclusion of the measure in the voters' pamphlet.

20 **SECTION 14. Section 10, chapter 600, Oregon Laws 2013, is repealed.**

21 **SECTION 15. ORS 137.656, as amended by section 9, chapter 600, Oregon
22 Laws 2013, is amended to read:**

23 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to
24 improve the effectiveness and efficiency of state and local criminal justice
25 systems by providing a centralized and impartial forum for statewide policy
26 development and planning.

27 (2) The primary duty of the commission is to develop and maintain a state
28 criminal justice policy and comprehensive, long-range plan for a coordinated
29 state criminal justice system that encompasses public safety, offender ac-
30 countability, crime reduction and prevention and offender treatment and re-
31 habilitation. The plan must include, but need not be limited to,

1 recommendations regarding:

2 (a) Capacity, utilization and type of state and local prison and jail facil-
3 ities;

4 (b) Implementation of community corrections programs;

5 (c) Alternatives to the use of prison and jail facilities;

6 (d) Appropriate use of existing facilities and programs;

7 (e) Whether additional or different facilities and programs are necessary;

8 (f) Methods of assessing the effectiveness of juvenile and adult
9 correctional programs, devices and sanctions in reducing future criminal
10 conduct by juvenile and adult offenders;

11 (g) Methods of reducing the risk of future criminal conduct; and

12 (h) The effective utilization of local public safety coordinating councils.

13 (3) Other duties of the commission are:

14 (a) To conduct joint studies by agreement with other state agencies,
15 boards or commissions on any matter within the jurisdiction of the commis-
16 sion.

17 (b) To provide Oregon criminal justice analytical and statistical informa-
18 tion to federal agencies and serve as a clearinghouse and information center
19 for the collection, preparation, analysis and dissemination of information on
20 state and local sentencing practices.

21 (c) To provide technical assistance and support to local public safety co-
22 ordinating councils.

23 (d) To receive grant applications to start or expand drug court programs
24 as defined in ORS 3.450, to make rules to govern the grant process and to
25 award grant funds according to the rules.

26 (e) **To prepare the racial and ethnic impact statements described in**
27 **sections 1 and 3, chapter 600, Oregon Laws 2013, and sections 10 and**
28 **11 of this 2017 Act.**

29 (f) **To track and make available to the public on an Internet website**
30 **all racial and ethnic data related to sentencing and rates of incarcer-**
31 **ation.**

1 (4) The commission shall establish by rule the information that must be
2 submitted under ORS 137.010 (9) and the methods for submitting the infor-
3 mation. A rule adopted under this subsection must be approved by the Chief
4 Justice of the Supreme Court before it takes effect.

5 (5) The commission may:

6 (a) Apply for and receive gifts and grants from any public or private
7 source.

8 (b) Award grants from funds appropriated by the Legislative Assembly to
9 the commission or from funds otherwise available from any other source, for
10 the purpose of carrying out the duties of the commission.

11 (c) Adopt rules to carry out the provisions of this subsection.

12 **SECTION 16.** ORS 251.185, as amended by section 8, chapter 600, Oregon
13 Laws 2013, and section 5, chapter 72, Oregon Laws 2014, is amended to read:

14 251.185. (1) The Secretary of State shall have printed in the voters' pam-
15 phlet for a general election or any special election a copy of the title and
16 text of each state measure to be submitted to the people at the election for
17 which the pamphlet was prepared. The pamphlet must include the proce-
18 dures for filing a complaint under ORS 260.345. Each measure shall be
19 printed in the pamphlet with:

20 (a) The number and ballot title of the measure;

21 (b) The financial estimates and any statement prepared for the measure
22 under ORS 250.125;

23 (c) The explanatory statement prepared for the measure;

24 (d) Arguments relating to the measure and filed with the Secretary of
25 State; *[and]*

26 (e) **Any racial and ethnic impact statement prepared for the meas-**
27 **ure under section 3, chapter 600, Oregon Laws 2013, or section 11 of**
28 **this 2017 Act; and**

29 [(e)] (f) Any statement submitted for the measure by a citizen panel under
30 ORS 250.141.

31 (2) A county measure or measure of a metropolitan service district or-

1 ganized under ORS chapter 268, and ballot title, explanatory statement and
2 arguments relating to the measure, filed by the county or metropolitan ser-
3 vice district under ORS 251.285 shall be included in the voters' pamphlet
4 described in subsection (1) of this section if required under ORS 251.067.

5 **SECTION 17.** ORS 137.656, as amended by section 9, chapter 600, Oregon
6 Laws 2013, and section 15 of this 2017 Act, is amended to read:

7 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to
8 improve the effectiveness and efficiency of state and local criminal justice
9 systems by providing a centralized and impartial forum for statewide policy
10 development and planning.

11 (2) The primary duty of the commission is to develop and maintain a state
12 criminal justice policy and comprehensive, long-range plan for a coordinated
13 state criminal justice system that encompasses public safety, offender ac-
14 countability, crime reduction and prevention and offender treatment and re-
15 habilitation. The plan must include, but need not be limited to,
16 recommendations regarding:

17 (a) Capacity, utilization and type of state and local prison and jail facil-
18 ities;

19 (b) Implementation of community corrections programs;

20 (c) Alternatives to the use of prison and jail facilities;

21 (d) Appropriate use of existing facilities and programs;

22 (e) Whether additional or different facilities and programs are necessary;

23 (f) Methods of assessing the effectiveness of juvenile and adult
24 correctional programs, devices and sanctions in reducing future criminal
25 conduct by juvenile and adult offenders;

26 (g) Methods of reducing the risk of future criminal conduct; and

27 (h) The effective utilization of local public safety coordinating councils.

28 (3) Other duties of the commission are:

29 (a) To conduct joint studies by agreement with other state agencies,
30 boards or commissions on any matter within the jurisdiction of the commis-
31 sion.

1 (b) To provide Oregon criminal justice analytical and statistical informa-
2 tion to federal agencies and serve as a clearinghouse and information center
3 for the collection, preparation, analysis and dissemination of information on
4 state and local sentencing practices.

5 (c) To provide technical assistance and support to local public safety co-
6 ordinating councils.

7 (d) To receive grant applications to start or expand drug court programs
8 as defined in ORS 3.450, to make rules to govern the grant process and to
9 award grant funds according to the rules.

10 (e) To prepare the racial and ethnic impact statements described in
11 [*sections 1 and 3, chapter 600, Oregon Laws 2013 and*] sections 10 and 11 of
12 this 2017 Act.

13 (f) To track and make available to the public on an Internet website all
14 racial and ethnic data related to sentencing and rates of incarceration.

15 (4) The commission shall establish by rule the information that must be
16 submitted under ORS 137.010 (9) and the methods for submitting the infor-
17 mation. A rule adopted under this subsection must be approved by the Chief
18 Justice of the Supreme Court before it takes effect.

19 (5) The commission may:

20 (a) Apply for and receive gifts and grants from any public or private
21 source.

22 (b) Award grants from funds appropriated by the Legislative Assembly to
23 the commission or from funds otherwise available from any other source, for
24 the purpose of carrying out the duties of the commission.

25 (c) Adopt rules to carry out the provisions of this subsection.

26 **SECTION 18.** ORS 251.185, as amended by section 8, chapter 600, Oregon
27 Laws 2013, section 5, chapter 72, Oregon Laws 2014, and section 16 of this
28 2017 Act, is amended to read:

29 251.185. (1) The Secretary of State shall have printed in the voters' pam-
30 phlet for a general election or any special election a copy of the title and
31 text of each state measure to be submitted to the people at the election for

1 which the pamphlet was prepared. The pamphlet must include the proce-
2 dures for filing a complaint under ORS 260.345. Each measure shall be
3 printed in the pamphlet with:

- 4 (a) The number and ballot title of the measure;
- 5 (b) The financial estimates and any statement prepared for the measure
6 under ORS 250.125;
- 7 (c) The explanatory statement prepared for the measure;
- 8 (d) Arguments relating to the measure and filed with the Secretary of
9 State;
- 10 (e) Any racial and ethnic impact statement prepared for the measure un-
11 der [*section 3, chapter 600, Oregon Laws 2013 or*] section 11 of this 2017 Act;
12 and
- 13 (f) Any statement submitted for the measure by a citizen panel under ORS
14 250.141.

15 (2) A county measure or measure of a metropolitan service district or-
16 ganized under ORS chapter 268, and ballot title, explanatory statement and
17 arguments relating to the measure, filed by the county or metropolitan ser-
18 vice district under ORS 251.285 shall be included in the voters' pamphlet
19 described in subsection (1) of this section if required under ORS 251.067.

20 **SECTION 19. Section 9 of this 2017 Act is repealed on the date of**
21 **the convening of the 2023 regular session of the Legislative Assembly**
22 **as specified in ORS 171.010.**

23 **SECTION 20.** Section 5, chapter 600, Oregon Laws 2013, is amended to
24 read:

25 **Sec. 5. (1)** [*Sections 1 to 4 of this 2013 Act*] **Sections 2 and 4, chapter**
26 **600, Oregon Laws 2013,** are repealed on January 2, 2018.

27 **(2) Sections 1 and 3, chapter 600, Oregon Laws 2013, as amended by**
28 **sections 12 and 13 of this 2017 Act, are repealed on January 2, 2018.**

29 **SECTION 21. The amendments to ORS 137.656 and 251.185 by**
30 **sections 17 and 18 of this 2016 Act become operative on January 2, 2018.**

31 **SECTION 22. Section 11 of this 2017 Act and the amendments to**

1 **ORS 251.185 by section 16 of this 2017 Act apply to elections held after**
2 **the first Tuesday after the first Monday in November 2018.**

3
