

DRAFT

SUMMARY

Requires each professional licensing board to study criminal background criteria and character standards for licensure, certification or other authorization to provide occupational or professional service regulated by board. Requires reports to interim committee of Legislative Assembly related to workforce.

Sunsets January 2, 2021.

A BILL FOR AN ACT

1
2 Relating to criminal background criteria used by professional licensing
3 boards.

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

5 **SECTION 1. (1) As used in this section:**

6 **(a) “Occupational or professional service” means a service:**

7 **(A) That an individual must possess a license, certificate or other**
8 **form of authorization to provide under the laws of this state; and**

9 **(B) Over which a professional licensing board has regulatory over-**
10 **sight.**

11 **(b) “Professional licensing board” means a state agency or board**
12 **that licenses, certifies or otherwise authorizes individuals to provide**
13 **an occupational or professional service.**

14 **(2) Each professional licensing board in this state shall study the**
15 **criminal background criteria and character standards the board uses**
16 **in approving applicants for licensure, certification or other authori-**
17 **zation and identify methods to reduce barriers to licensure, certifica-**
18 **tion or other authorization to provide the occupational or professional**

1 service regulated by the board for applicants who may not qualify for
2 licensure, certification or other authorization because of their crimi-
3 nal background or character. Each professional licensing board shall
4 submit a report in the manner provided by ORS 192.245 to an interim
5 committee of the Legislative Assembly related to the workforce not
6 later than December 31, 2020.

7 **SECTION 2.** Section 1 of this 2019 Act is repealed on January 2, 2021.

8

D R A F T

SUMMARY

Directs Public Defense Services Commission to distribute moneys to Metropolitan Public Defender Services for establishment and administration of pilot program according to specifications, collection of certain program data and submission of data to commission. Directs commission to review data and to report on results of pilot program to interim committees of Legislative Assembly related to judiciary on or before September 15, 2021.

Appropriates moneys from General Fund to Public Defense Services Commission for pilot program.

A BILL FOR AN ACT

Relating to civil legal services for persons charged with crimes.

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

SECTION 1. (1) The Public Defense Services Commission shall distribute the moneys described in section 2 of this 2019 Act to Metropolitan Public Defender Services for the following purposes:

(a) Establishing and administering a two-year pilot program in Multnomah County and in one rural county with the purpose of providing civil legal services to persons charged with criminal offenses.

The provision of civil legal services must include but is not limited to assistance with issues related to housing, family law, public benefits, financial obligations, consumer debt and expungement.

(b) Collecting data, and submitting the data to the Public Defense Services Commission, concerning the number of participants in the pilot program who, as a result of participation:

(A) Experienced increased financial stability.

(B) Experienced increased housing stability.

1 (C) Were able to obtain public benefits.

2 (D) Were able to resolve debt.

3 (E) Were able to expunge or set aside records of arrest, citation or
4 conviction.

5 (F) Engaged in planning for family security.

6 (G) Experienced increased stability or exhibited better behavior
7 while incarcerated, in comparison to similarly situated inmates who
8 did not participate in the pilot program.

9 (2) Upon receipt of the data concerning the pilot program described
10 in subsection (1) of this section, the Public Defense Services Commis-
11 sion shall review the data, prepare a report and submit the report to
12 the interim committees of the Legislative Assembly related to the ju-
13 diciary in the manner provided under ORS 192.245 on or before Sep-
14 tember 15, 2021.

15 SECTION 2. In addition to and not in lieu of any other appropri-
16 ation, there is appropriated to the Public Defense Services Commis-
17 sion, for the biennium beginning July 1, 2019, out of the General Fund,
18 the amount of \$_____ to be expended for the purposes described in
19 section 1 of this 2019 Act.

20 _____

D R A F T

SUMMARY

Modifies procedure for expunction of juvenile records. Directs juvenile court to automatically initiate expunction proceeding upon dismissal of juvenile case. Directs juvenile court to automatically order expunction of juvenile adjudication records if no fewer than two years have elapsed since termination, person has not been subject to subsequent delinquency adjudication or criminal conviction and no proceedings are pending against person. Exempts certain offenses from automatic mandatory expunction.

Directs juvenile court to initiate discretionary expunction proceedings for cases not eligible for automatic mandatory expunction if no fewer than two years have elapsed since most recent termination, person has not been subject to subsequent delinquency adjudication or criminal conviction and no proceedings are pending against person. Exempts certain offenses from automatic discretionary expunction.

Permits persons to apply for expunction of juvenile records related to acts that would have constituted Class A felony if committed by adult if no fewer than five years have elapsed since most recent termination, person has not been subject to subsequent delinquency adjudication or criminal conviction and no proceedings are pending against person.

Requires notice of discretionary expunction proceeding to be sent to person whose records are subject of proceeding and district attorney. Directs district attorney to provide notice to victim. Permits district attorney to object to expunction application. Requires court to hold expunction hearing on any objections.

Directs State Court Administrator to study and make recommendations on updating provisions of state law relating to records of juvenile adjudications to align Oregon law with American Bar Association's model Act governing confidentiality of juvenile delinquency records.

A BILL FOR AN ACT

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Relating to juvenile records; creating new provisions; and amending ORS
419A.250, 419A.260, 419A.262, 419A.265, 419C.370, 659A.030 and 670.290.

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

2
3 **EXPUNCTION OF JUVENILE RECORDS**

4
5 **SECTION 1. Sections 2 to 4 of this 2019 Act are added to and made**
6 **a part of ORS 419A.260 to 419A.262.**

7 **SECTION 2. Expunction venue. An expunction proceeding under**
8 **ORS 419A.260 to 419A.262 shall be commenced in the county where the**
9 **subject person resided at the time of the most recent termination.**

10 **SECTION 3. Mandatory expunction. (1)(a)(A) For cases in which a**
11 **petition was filed in juvenile court but the case was dismissed prior**
12 **to adjudication, the court shall initiate expunction as provided in**
13 **paragraph (b) of this subsection immediately following dismissal of the**
14 **case.**

15 **(B) For cases resolved informally by the juvenile department, the**
16 **juvenile department shall move the court for expunction immediately**
17 **following termination of the case.**

18 **(C) For cases of law enforcement or public agency investigations**
19 **that never resulted in referral to the juvenile department or charges,**
20 **the holder of the records shall move the court for expunction imme-**
21 **diately following termination of the case.**

22 **(b) Upon its own motion or upon application of the juvenile de-**
23 **partment or other holder of records under paragraph (a) of this sub-**
24 **section, the juvenile court shall immediately order expunction if the**
25 **court finds that there was no adjudication of delinquency, including**
26 **in:**

27 **(A) Dismissed cases, if the time for the state to appeal the dismissal**
28 **has lapsed;**

29 **(B) Diverted cases, if the person has successfully completed diver-**
30 **sion;**

31 **(C) Cases in which the charges were not substantiated; or**

1 (D) Cases in which the law enforcement agency did not refer the
2 subject to court.

3 (2)(a) Except as provided in paragraph (b) of this subsection, in
4 cases in which there was an adjudication of delinquency, the juvenile
5 court shall, on its own motion, automatically order expunction if:

6 (A) At least two years have elapsed since the date of the person's
7 most recent termination;

8 (B) Since the date of the most recent termination, the person has
9 not been subject to a subsequent delinquency adjudication or criminal
10 conviction; and

11 (C) No proceedings seeking a criminal conviction or an adjudication
12 in a juvenile court are pending against the person.

13 (b) The following offenses are not eligible for automatic mandatory
14 expunction under this subsection:

15 (A) Any cases under ORS 419C.005 in which a juvenile court found
16 a person to be within the jurisdiction of the court based upon the
17 person's commission of an act that if done by an adult would consti-
18 tute one of the following offenses:

19 (i) Aggravated murder under ORS 163.095;

20 (ii) Murder under ORS 163.115;

21 (iii) Attempt, solicitation or conspiracy to commit murder or ag-
22 gravated murder;

23 (iv) Manslaughter in the first degree under ORS 163.118;

24 (v) Manslaughter in the second degree under ORS 163.125;

25 (vi) Criminally negligent homicide under ORS 163.145;

26 (vii) Assault in the first degree under ORS 163.185;

27 (viii) Criminal mistreatment in the first degree under ORS 163.205;

28 (ix) Kidnapping in the first degree under ORS 163.235;

29 (x) Rape in the third degree under ORS 163.355;

30 (xi) Rape in the second degree under ORS 163.365;

31 (xii) Rape in the first degree under ORS 163.375;

1 (xiii) Sodomy in the third degree under ORS 163.385;

2 (xiv) Sodomy in the second degree under ORS 163.395;

3 (xv) Sodomy in the first degree under ORS 163.405;

4 (xvi) Unlawful sexual penetration in the second degree under ORS
5 163.408;

6 (xvii) Unlawful sexual penetration in the first degree under ORS
7 163.411;

8 (xviii) Sexual abuse in the third degree under ORS 163.415;

9 (xix) Sexual abuse in the second degree under ORS 163.425;

10 (xx) Sexual abuse in the first degree under ORS 163.427;

11 (xxi) Promoting prostitution under ORS 167.012;

12 (xxii) Compelling prostitution under ORS 167.017;

13 (xxiii) Aggravated driving while suspended or revoked under ORS
14 163.196;

15 (xxiv) Aggravated vehicular homicide under ORS 163.149; or

16 (xxv) An attempt to commit a crime listed in this subparagraph
17 other than manslaughter in the second degree and criminally
18 negligent homicide; or

19 (B) Any offense for which the person is currently required to reg-
20 ister as a sex offender.

21 **SECTION 4. Discretionary expunction.** (1)(a) In cases in which there
22 was an adjudication of delinquency, but that are not eligible for auto-
23 matic mandatory expunction under section 3 of this 2019 Act, the ju-
24 venile court shall, on its own motion, initiate an expunction
25 proceeding as described in this section and may order expunction if,
26 after a hearing when the matter is contested:

27 (A) At least two years have elapsed since the date of the person's
28 most recent termination;

29 (B) Since the date of the most recent termination, the person has
30 not been subject to a subsequent delinquency adjudication or criminal
31 conviction; and

1 (C) No proceedings seeking a criminal conviction or an adjudication
2 in a juvenile court are pending against the person.

3 (b) A person is not eligible for automatic discretionary expunction
4 under this subsection if:

5 (A) The adjudication of the offense in the records to be expunged
6 currently requires the person to register as a sex offender; or

7 (B) If the offense in the records to be expunged resulted from acts
8 that would have constituted a Class A felony if committed by an adult.

9 (2) Persons who were adjudicated delinquent for acts that would
10 have constituted a Class A felony if committed by an adult may move
11 the juvenile court for expunction if:

12 (a) At least five years have elapsed since the date of the person's
13 most recent termination;

14 (b) Since the date of the most recent termination, the person has
15 not been subject to a subsequent delinquency adjudication or criminal
16 conviction; and

17 (c) No proceedings seeking a criminal conviction or an adjudication
18 in a juvenile court are pending against the person.

19 (3)(a) When an expunction proceeding is commenced upon the ju-
20 venile court's own motion under subsection (1) of this section, the
21 motion shall set forth the names and addresses of the juvenile courts,
22 juvenile departments, institutions and law enforcement and other
23 agencies that a reasonable search of juvenile court files indicates have
24 expungible records and those provided by the subject person.

25 (b) When an expunction proceeding is commenced under subsection
26 (2) of this section by application of the person whose records are to
27 be expunged, the person shall set forth as part of the application the
28 names of the juvenile courts, juvenile departments, institutions and
29 law enforcement and other agencies that the person has reason to
30 believe possess an expungible record of the person. The juvenile de-
31 partment shall provide the names and addresses of the juvenile courts,

1 juvenile departments, institutions and law enforcement and other
2 agencies that a reasonable search of juvenile department files indi-
3 cates have expungible records.

4 (4)(a) Notice and a copy of an application for expunction under
5 subsection (1) or (2) of this section shall be given to:

6 (A) The district attorney of the county in which the expunction
7 proceeding is commenced and the district attorney of each county in
8 which the record sought to be expunged is kept; and

9 (B) The person who is the subject of the record.

10 (b) A district attorney who receives notice under this subsection
11 shall notify the victim of the acts that resulted in the disposition that
12 is the subject of the application for expunction and shall mail a copy
13 of the application for expunction to the victim's last known address.

14 (5)(a) Within 30 days of receiving the notice of an application for
15 expunction under subsection (4) of this section, a district attorney
16 shall give written notice of any objection and the grounds therefor to
17 the person whose records are to be expunged and to the juvenile court.

18 (b) If no objection is filed, the court may decide the issue of
19 expunction either without a hearing or after full hearing under sub-
20 section (8) of this section.

21 (6) When an expunction is pending under subsection (1) or (2) of
22 this section, the court may proceed with or without a hearing, except
23 that:

24 (a) The court may not enter an expunction judgment without a
25 hearing if a timely objection to expunction has been filed under sub-
26 section (5) of this section; and

27 (b) The court may not deny an expunction without a hearing if the
28 proceeding is based on an application of the subject person.

29 (7)(a) Notice of a hearing on a pending expunction shall be served
30 on the subject person and any district attorney filing a timely ob-
31 jection under subsection (5) of this section.

1 (b) When a district attorney receives notice of a hearing for
2 expunction of a record concerning a youth or youth offender proceed-
3 ing under ORS chapter 419C, if the victim of the acts that resulted in
4 the disposition that is the subject of the application for expunction
5 requests, the district attorney shall mail notice of the hearing to the
6 victim's last-known address.

7 (8) At a hearing on a pending expunction, the court shall take into
8 consideration the following circumstances when determining whether
9 to allow expunction:

10 (a) The best interest of the person;

11 (b) The age of the person during the person's contact with the ju-
12 venile court or law enforcement agency;

13 (c) The nature of the offense;

14 (d) The disposition of the case;

15 (e) The manner in which the person participated in any court-
16 ordered rehabilitative programming or supervised services;

17 (f) Whether the person has any subsequent criminal involvement;
18 and

19 (g) The adverse consequences the person will suffer as a result of
20 retention of the person's record.

21 (9) The court shall conduct a hearing under subsection (8) of this
22 section in accord with the provisions of ORS 419B.195, 419B.198,
23 419B.201, 419B.205, 419B.208, 419B.310, 419B.812 to 419B.839 and 419B.908.
24 Rules of evidence shall be as in a hearing to establish juvenile court
25 jurisdiction and as defined in ORS 419B.310 (3) and 419C.400 (2). The
26 burden of proof shall be with the party contesting expunction.

27 (10) At the conclusion of a hearing on a pending expunction, the
28 court shall issue judgment granting or denying expunction.

29 **SECTION 5.** ORS 419A.262 is amended to read:

30 419A.262. *[(1) An expunction proceeding shall be commenced in the county*
31 *where the subject person resided at the time of the most recent termination.]*

1 [(2) Upon application of either a person who is the subject of a record or
2 a juvenile department, or upon its own motion, the juvenile court shall order
3 expunction if, after a hearing when the matter is contested, it finds that:]

4 [(a) At least five years have elapsed since the date of the person's most re-
5 cent termination;]

6 [(b) Since the date of the most recent termination, the person has not been
7 convicted of a felony or a Class A misdemeanor;]

8 [(c) No proceedings seeking a criminal conviction or an adjudication in a
9 juvenile court are pending against the person;]

10 [(d) The person is not within the jurisdiction of any juvenile court on the
11 basis of a petition alleging an act or behavior as defined in ORS 419B.100
12 (1)(a) to (c) and (f) or 419C.005; and]

13 [(e) The juvenile department is not aware of any pending investigation of
14 the conduct of the person by any law enforcement agency.]

15 [(3)(a) Notwithstanding subsection (2) of this section, upon application of
16 a person who is the subject of a record kept by a juvenile court or juvenile
17 department, upon application of the juvenile department, or upon its own mo-
18 tion, the juvenile court, after a hearing when the matter is contested under
19 subsection (13) of this section, shall order expunction if it finds that:]

20 [(A) The application requests expunction of only that part of the person's
21 record that involves a charge, allegation or adjudication based on conduct that
22 if done by an adult would constitute the crime of prostitution under ORS
23 167.007; and]

24 [(B) The person was under 18 years of age at the time of the conduct.]

25 [(b) Except as provided in subsections (13) and (14) of this section, there is
26 no waiting period required before the juvenile court orders expunction under
27 this subsection.]

28 [(4) In the case of an application by the juvenile department or of the court
29 acting upon its own motion, expunction shall not be ordered if actual notice
30 of expunction has not been given to the person in accordance with subsection
31 (12) of this section unless the person has reached 21 years of age.]

1 *[(5) When a person who is the subject of a record kept by a juvenile court*
2 *or juvenile department reaches 18 years of age, the juvenile court, after a*
3 *hearing when the matter is contested, shall order expunction if:]*

4 *[(a) The person never has been found to be within the jurisdiction of the*
5 *court; or]*

6 *[(b) The conditions of subsection (2) or (3) of this section have been met.]*

7 *[(6) Expunction shall not be ordered under this section if actual notice of*
8 *expunction has not been given to the person in accordance with subsection (12)*
9 *of this section unless the person has reached 21 years of age.]*

10 *[(7) Subsections (5) and (6) of this section apply only to cases resulting in*
11 *termination after September 13, 1975.]*

12 *[(8) Notwithstanding subsections (2), (3) and (5) to (7) of this section, upon*
13 *application of a person who is the subject of a record kept by a juvenile court*
14 *or juvenile department, upon application of the juvenile department, or upon*
15 *its own motion, the juvenile court, after a hearing when the matter is contested,*
16 *may order expunction of all or any part of the person's record if it finds that*
17 *to do so would be in the best interests of the person and the public. In the case*
18 *of an application by the juvenile department or of the court acting upon its own*
19 *motion, expunction shall not be ordered if actual notice of expunction has not*
20 *been given to the person in accordance with subsection (12) of this section*
21 *unless the person has reached 21 years of age.]*

22 *[(9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii), (xix) or (xviii), a*
23 *person who has been found to be within the jurisdiction of the juvenile court*
24 *based on an act that if committed by an adult would constitute:]*

25 *[(a) Rape in the third degree under ORS 163.355, sodomy in the third de-*
26 *gree under ORS 163.385 or sexual abuse in the third degree under ORS*
27 *163.415, or an attempt to commit those crimes, may apply for an order of*
28 *expunction under this section. The court shall order expunction of the records*
29 *in the case if, after a hearing when the matter is contested, the court finds that*
30 *the person:]*

31 *[(A) Meets the requirements of subsection (2) of this section;]*

1 *[(B) Has been relieved of the obligation to report as a sex offender pursuant*
2 *to a court order entered under ORS 163A.145 or 163A.150; and]*

3 *[(C) Has not been convicted of, found guilty except for insanity of or found*
4 *to be within the jurisdiction of the juvenile court based on a crime listed in*
5 *ORS 419A.260 (1)(d)(J), other than the adjudication that is the subject of the*
6 *motion.]*

7 *[(b) A sex crime that is a Class C felony may apply for an order of*
8 *expunction under this section. The court shall order expunction of the records*
9 *in the case if, after a hearing when the matter is contested, the court finds*
10 *that:]*

11 *[(A) The person meets the requirements of subsection (2) of this section;]*

12 *[(B) The person was under 16 years of age at the time of the offense;]*

13 *[(C) The person is:]*

14 *[(i) Less than two years and 180 days older than the victim; or]*

15 *[(ii) At least two years and 180 days older, but less than three years and*
16 *180 days older, than the victim and the expunction is in the interests of justice*
17 *and of benefit to the person and the community;]*

18 *[(D) The victim's lack of consent was due solely to incapacity to consent*
19 *by reason of being less than a specified age;]*

20 *[(E) The victim was at least 12 years of age at the time of the offense;]*

21 *[(F) Each finding described in this paragraph involved the same victim;*
22 *and]*

23 *[(G) The person has not been convicted of, found guilty except for insanity*
24 *of or found to be within the jurisdiction of the juvenile court based on a crime*
25 *listed in ORS 419A.260 (1)(d)(J) or an offense the court is prohibited from*
26 *setting aside under ORS 137.225, other than the adjudication that is the sub-*
27 *ject of the motion.]*

28 *[(10) When an expunction proceeding is commenced by application of the*
29 *person whose records are to be expunged, the person shall set forth as part of*
30 *the application the names of the juvenile courts, juvenile departments, insti-*
31 *tutions and law enforcement and other agencies that the person has reason to*

1 *believe possess an expungible record of the person. The juvenile department*
2 *shall provide the names and addresses of the juvenile courts, juvenile depart-*
3 *ments, institutions and law enforcement and other agencies that a reasonable*
4 *search of department files indicates have expungible records.]*

5 *[(11) When an expunction proceeding is commenced by application of the*
6 *juvenile department or upon the court's own motion, the application or motion*
7 *shall set forth the names and addresses of the juvenile courts, juvenile de-*
8 *partments, institutions and law enforcement and other agencies that a reason-*
9 *able search of department files indicates have expungible records and those*
10 *provided by the subject person.]*

11 *[(12)(a) Notice and a copy of an application for expunction under sub-*
12 *sections (2) to (8) of this section shall be given to:]*

13 *[(A) The district attorney of the county in which the expunction proceeding*
14 *is commenced and the district attorney of each county in which the record*
15 *sought to be expunged is kept; and]*

16 *[(B) The person who is the subject of the record if the person has not ini-*
17 *tiated the expunction proceeding.]*

18 *[(b) A district attorney who receives notice under this subsection shall no-*
19 *tify the victim of the acts that resulted in the disposition that is the subject*
20 *of the application for expunction and shall mail a copy of the application for*
21 *expunction to the victim's last known address.]*

22 *[(13)(a) Within 30 days of receiving the notice of application for expunction*
23 *under subsection (12) of this section, a district attorney shall give written no-*
24 *tice of any objection and the grounds therefor to the person whose records are*
25 *to be expunged and to the juvenile court.]*

26 *[(b) Except as provided in subsection (14)(c) of this section, if no objection*
27 *is filed the court may decide the issue of expunction either without a hearing*
28 *or after full hearing under subsections (14) to (17) of this section.]*

29 *[(14) When an expunction is pending under subsections (2) to (8) of this*
30 *section, the court may proceed with or without a hearing, except that:]*

31 *[(a) The court may not enter an expunction judgment without a hearing if*

1 *a timely objection to expunction has been filed under subsection (13) of this*
2 *section;]*

3 *[(b) The court may not deny an expunction without a hearing if the pro-*
4 *ceeding is based on an application of the subject; and]*

5 *[(c) The court shall proceed without a hearing if:]*

6 *[(A) No objection is filed under subsection (13) of this section;]*

7 *[(B) The application requests expunction of only that part of the person's*
8 *record that involves a charge, allegation or adjudication based on conduct that*
9 *if done by an adult would constitute the crime of prostitution under ORS*
10 *167.007; and]*

11 *[(C) The person was under 18 years of age at the time of the conduct.]*

12 *[(15)(a) Notice of a hearing on a pending expunction shall be served on the*
13 *subject and any district attorney filing a timely objection under subsection (13)*
14 *of this section.]*

15 *[(b) When a district attorney receives notice of a hearing for expunction of*
16 *a record concerning a youth or youth offender proceeding under ORS chapter*
17 *419C, if the victim of the acts that resulted in the disposition that is the subject*
18 *of the application for expunction requests, the district attorney shall mail no-*
19 *tice of the hearing to the victim's last-known address.]*

20 *[(16) The court shall conduct a hearing on a pending expunction in accord*
21 *with the provisions of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208,*
22 *419B.310, 419B.812 to 419B.839 and 419B.908. Rules of evidence shall be as in*
23 *a hearing to establish juvenile court jurisdiction and as defined in ORS*
24 *419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party*
25 *contesting expunction.]*

26 *[(17) At the conclusion of a hearing on a pending expunction, the court*
27 *shall issue judgment granting or denying expunction.]*

28 *[(18)] (1) The juvenile court or juvenile department shall send a copy of*
29 *an expunction judgment **issued under ORS 419A.260 to 419A.262** to each*
30 *agency subject to the judgment. Upon receipt of a copy of the judgment, the*
31 *agency shall comply and, within 21 days of the date of receipt, return the*

1 copy to the juvenile court or juvenile department with an indorsement indi-
2 cating compliance.

3 [(19)] (2) When all agencies subject to an expunction judgment have in-
4 dicated their compliance or in any event no later than six weeks following
5 the date the judgment was delivered as required by subsection [(18)] (1) of
6 this section, the juvenile court shall provide the person who is the subject
7 of the record with a copy of the expunction judgment, a list of complying
8 and noncomplying agencies, and a written notice of rights and effects of
9 expunction. The juvenile court and juvenile department then shall expunge
10 forthwith all records which they possess and which are subject to the judg-
11 ment, except the original expunction judgment and the list of complying and
12 noncomplying agencies which must be preserved under seal.

13 [(20)] (3) In addition to those agencies identified in ORS 419A.260 (1)(d),
14 the juvenile, circuit, municipal and justice courts, and the district and city
15 attorneys of this state, are bound by an expunction judgment of any juvenile
16 court of appropriate jurisdiction in this state issuing an expunction judg-
17 ment.

18 [(21)] (4) Upon entry of an expunction judgment, the contact that is the
19 subject of the expunged record shall not be disclosed by any agency. An
20 agency that is subject to an expunction judgment shall respond to any in-
21 quiry about the contact by indicating that no record or reference concerning
22 the contact exists.

23 [(22)] (5) A person who is the subject of a record that has been expunged
24 under this section may assert that the record never existed and that the
25 contact, which was the subject of the record, never occurred without incur-
26 ring a penalty for perjury or false swearing under the laws of this state.

27 [(23)] (6) Juvenile courts, by court rule or by order related to a particular
28 matter, may direct that records concerning a subject person be destroyed.
29 No records shall be destroyed until at least three years have elapsed after
30 the date of the subject's most recent termination. In the event the record has
31 been expunged, the expunction judgment and list of complying and noncom-

1 plying agencies may not be destroyed, but shall be preserved under seal. The
2 destruction of records under this subsection does not constitute expunction.

3 [(24)] (7) An expunction judgment and list of complying and noncomplying
4 agencies shall be released from confidentiality only on order of the court
5 originating the expunction judgment, based on a finding that review of a
6 particular case furthers compliance with the expunction provisions of this
7 chapter.

8 [(25)] (8) A subject has a right of action against any person who inten-
9 tionally violates the confidentiality provisions of this section. In the pro-
10 ceeding, punitive damages up to an amount of \$1,000 may be sought in
11 addition to any actual damages. The prevailing party shall be entitled to
12 costs and reasonable attorney fees.

13 [(26)] (9) Intentional violation of the confidentiality provisions of this
14 section by a public employee is cause for dismissal.

15 [(27)] (10) A person who intentionally releases all or part of an expunged
16 record commits a Class C misdemeanor.

17 **SECTION 6.** ORS 419A.260 is amended to read:

18 419A.260. (1) As used in [*this section and ORS 419A.262*] **ORS 419A.260**
19 **to 419A.262:**

20 (a) "Contact" means any instance in which a person's act or behavior, or
21 alleged act or behavior, which could result in a juvenile court's assumption
22 of jurisdiction under ORS 419B.100 (1)(a) to (c) and (f) or 419C.005 comes to
23 the attention of an agency specified in paragraph (d) of this subsection.

24 (b) "Expunction" means:

25 (A) The removal and destruction or sealing of a judgment or order related
26 to a contact and all records and references; and

27 (B) Where a record is kept by the Department of Human Services or the
28 Oregon Youth Authority, either the sealing of such record by the department
29 or the Oregon Youth Authority or, in a multiperson file, the affixing to the
30 front of the file, by the department or the youth authority, a stamp or
31 statement identifying the name of the individual, the date of expunction and

1 instruction that no further reference shall be made to the material that is
2 subject to the expunction order except upon an order of a court of competent
3 jurisdiction.

4 (c) "Person" includes a person under 18 years of age.

5 (d) "Record" includes a fingerprint or photograph file, report, exhibit or
6 other material which contains information relating to a person's contact
7 with any law enforcement agency, juvenile court or juvenile department, the
8 Psychiatric Security Review Board, the Department of Human Services or
9 the Oregon Health Authority and is kept manually, through the use of elec-
10 tronic data processing equipment, or by any other means by a law enforce-
11 ment or public investigative agency, a juvenile court or juvenile department
12 or an agency of the State of Oregon. "Record" does not include:

13 (A) A transcript of a student's Youth Corrections Education Program
14 academic record;

15 (B) Material on file with a public agency which is necessary for obtaining
16 federal financial participation regarding financial assistance or services on
17 behalf of a person who has had a contact;

18 (C) Records kept or disseminated by the Department of Transportation,
19 State Marine Board and State Fish and Wildlife Commission pursuant to
20 juvenile or adult order or recommendation;

21 (D) Police and court records related to an order of waiver where the
22 matter is still pending in the adult court or on appeal therefrom, or to any
23 disposition as an adult pursuant to such order;

24 (E) Records related to a support obligation;

25 (F) Medical records other than those related to a finding of responsible
26 except for insanity under ORS 419C.411;

27 (G) Records of a proposed or adjudicated termination of parental rights
28 and adoptions;

29 (H) Any law enforcement record of a person who currently does not
30 qualify for expunction or of current investigations or cases waived to the
31 adult court;

1 (I) Records and case reports of the Oregon Supreme Court and the Oregon
2 Court of Appeals;

3 [(J) Any records in cases under ORS 419C.005 in which a juvenile court
4 found a person to be within the jurisdiction of the court based upon the
5 person's commission of an act which if done by an adult would constitute one
6 of the following offenses:]

7 [(i) Aggravated murder under ORS 163.095;]

8 [(ii) Murder under ORS 163.115;]

9 [(iii) Attempt, solicitation or conspiracy to commit murder or aggravated
10 murder;]

11 [(iv) Manslaughter in the first degree under ORS 163.118;]

12 [(v) Manslaughter in the second degree under ORS 163.125;]

13 [(vi) Criminally negligent homicide under ORS 163.145;]

14 [(vii) Assault in the first degree under ORS 163.185;]

15 [(viii) Criminal mistreatment in the first degree under ORS 163.205;]

16 [(ix) Kidnapping in the first degree under ORS 163.235;]

17 [(x) Rape in the third degree under ORS 163.355;]

18 [(xi) Rape in the second degree under ORS 163.365;]

19 [(xii) Rape in the first degree under ORS 163.375;]

20 [(xiii) Sodomy in the third degree under ORS 163.385;]

21 [(xiv) Sodomy in the second degree under ORS 163.395;]

22 [(xv) Sodomy in the first degree under ORS 163.405;]

23 [(xvi) Unlawful sexual penetration in the second degree under ORS
24 163.408;]

25 [(xvii) Unlawful sexual penetration in the first degree under ORS
26 163.411;]

27 [(xviii) Sexual abuse in the third degree under ORS 163.415;]

28 [(xix) Sexual abuse in the second degree under ORS 163.425;]

29 [(xx) Sexual abuse in the first degree under ORS 163.427;]

30 [(xxi) Promoting prostitution under ORS 167.012;]

31 [(xxii) Compelling prostitution under ORS 167.017;]

1 [(xxiii) *Aggravated driving while suspended or revoked under ORS*
2 *163.196;*]

3 [(xxiv) *Aggravated vehicular homicide under ORS 163.149; or*]

4 [(xxv) *An attempt to commit a crime listed in this subparagraph other than*
5 *manslaughter in the second degree and criminally negligent homicide;*]

6 [(K)] (J) Blood samples, buccal samples and other physical evidence and
7 identification information obtained, stored or maintained by the Department
8 of State Police under authority of ORS 137.076, 181A.155 or 419C.473; or

9 [(L)] (K) Records maintained in the Law Enforcement Data System under
10 ORS 163A.035.

11 (e) “Termination” means:

12 (A) For a person who is the subject of a record kept by a juvenile court
13 or juvenile department, the final disposition of a case by informal means, by
14 a decision not to place the person on probation or make the person a ward
15 of the court after the person has been found to be within the court’s juris-
16 diction or by a discontinuance of probation, of the court’s wardship or of the
17 jurisdiction of the Psychiatric Security Review Board, the Oregon Health
18 Authority or the Department of Human Services.

19 (B) For a person who is the subject of a record kept by a law enforcement
20 or public investigative agency, a juvenile court or juvenile department or an
21 agency of the State of Oregon, the final disposition of the person’s most re-
22 cent contact with a law enforcement agency.

23 (2) The juvenile court or juvenile department shall make reasonable effort
24 to provide written notice to a child who is within the court’s jurisdiction
25 under ORS 419B.100 (1)(a) to (c) and (f) or to a youth who is within the
26 court’s jurisdiction under ORS 419C.005, and to the child’s or youth’s parent,
27 of the procedures for expunction of a record, the right to counsel under this
28 chapter, the legal effect of an expunction order and the procedures for
29 seeking relief from the duty to report as a sex offender provided under ORS
30 163A.130, at the following times:

31 (a) At any dispositional hearing or at the time of entering into a formal

1 accountability agreement;

2 (b) At the time of termination;

3 (c) Upon notice to the subject of an expunction pending pursuant to ap-
4 plication of a juvenile department or motion on a juvenile court; and

5 (d) At the time of notice of execution of an expunction order.

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7

CONFIDENTIALITY OF JUVENILE RECORDS

8

9 **SECTION 7.** (1) **The State Court Administrator shall study and**
10 **make recommendations on updating provisions of state law relating**
11 **to records of juvenile adjudications to align Oregon law with the**
12 **principles of the American Bar Association's model Act governing the**
13 **confidentiality of juvenile delinquency records.**

14 (2) **The administrator shall submit a report on its findings to an**
15 **appropriate interim committee of the Legislative Assembly no later**
16 **than January 1, 2021.**

17

18

CONFORMING AMENDMENTS

19

20 **SECTION 8.** ORS 419A.250 is amended to read:

21 419A.250. (1) A child, ward, youth or youth offender may be photographed
22 or fingerprinted by a law enforcement agency:

23 (a) Pursuant to a search warrant;

24 (b) According to laws concerning adults if the youth has been transferred
25 to criminal court for prosecution;

26 (c) Upon consent of both the child or youth and the child or youth's
27 parent after advice that they are not required to give such consent;

28 (d) Upon request or consent of the child's parent alone if the child is less
29 than 10 years of age, and if the law enforcement agency delivers the original
30 photographs or fingerprints to the parent and does not make or retain any
31 copies thereof; or

1 (e) By order of the juvenile court.

2 (2) When a youth is taken into custody under ORS 419C.080, the law
3 enforcement agency taking the youth into custody shall photograph and fin-
4 gerprint the youth. When a youth is found within the jurisdiction of the ju-
5 venile court for the commission of an act that would constitute a crime if
6 committed by an adult, the court shall ensure that the youth offender's fin-
7 gerprints have been taken. The law enforcement agency attending upon the
8 court is the agency responsible for obtaining the fingerprints. The law
9 enforcement agency attending upon the court may, by agreement, arrange for
10 another law enforcement agency to obtain the fingerprints on the attending
11 agency's behalf.

12 (3) Fingerprint and photograph files or records of children, wards, youths
13 and youth offenders must be kept separate from those of adults, and finger-
14 prints and photographs known to be those of a child may be maintained on
15 a local basis only and may not be sent to a central state or federal deposi-
16 tory.

17 (4) Fingerprint and photograph files or records of a child, ward, youth or
18 youth offender are open to inspection only by, or the contents disclosed only
19 to, the following:

20 (a) Public agencies for use in investigation or prosecution of crimes and
21 of conduct by a child, ward, youth or youth offender that if committed by
22 an adult would be an offense, provided that a law enforcement agency may
23 provide information to another agency only when the information is perti-
24 nent to a specific investigation by that agency;

25 (b) The juvenile department and the juvenile court having the child, ward,
26 youth or youth offender before it in any proceeding;

27 (c) Caseworkers and counselors taking action or otherwise responsible for
28 planning and care of the child, ward, youth or youth offender;

29 (d) The parties to the proceeding and their counsel; and

30 (e) The victim or a witness of an act or behavior described under ORS
31 419C.005 (1) or the victim's parent, guardian, personal representative or

1 subrogee, when necessary to identify the youth or youth offender committing
2 the act or behavior and identifying the apparent extent of the youth or youth
3 offender's involvement in the act or behavior.

4 (5)(a) Fingerprint and photograph files or records of youths and youth
5 offenders must be sent to a central state depository in the same manner as
6 fingerprint and photograph files or records of adults. The fingerprint and
7 photograph files or records of a youth or youth offender sent to a central
8 depository under this subsection are open to inspection in the same manner
9 and under the same circumstances as fingerprint and photograph files or re-
10 cords of adults.

11 (b) A party filing a petition alleging that a youth is within the jurisdic-
12 tion of the court under ORS 419C.005 shall notify the central state depository
13 of the following:

14 (A) The filing of a petition alleging that a youth committed an act that
15 if committed by an adult would constitute a crime; or

16 (B) The dismissal of a petition alleging that a youth committed an act
17 that if committed by an adult would constitute a crime.

18 (c) The juvenile court shall notify the central state depository of the
19 disposition of a case in which jurisdiction is based on ORS 419C.005.

20 (d) The Department of State Police shall delete the fingerprint and pho-
21 tograph files or records of a youth or youth offender from the depository and
22 destroy the files or records relating to the conduct that caused the files or
23 records to be sent to the depository:

24 (A) One year after receiving the files, if the central state depository has
25 not received notice under paragraph (b) of this subsection;

26 (B) No later than one year following receipt of a notice of dismissal of
27 a petition under paragraph (b)(B) of this subsection; or

28 (C) In all other circumstances, no later than five years and 30 days after
29 fingerprint and photograph files or records are sent to the central state de-
30 pository.

31 (6) Fingerprint and photograph files and records of a child, ward, youth

1 or youth offender must be expunged when the juvenile court orders
2 expunction of a child, ward, youth or youth offender's record pursuant to
3 ORS 419A.260 [and] to 419A.262.

4 (7) The parent or guardian of a missing child may submit a fingerprint
5 card and photograph of the child to a law enforcement agency at the time
6 a missing person report is made. The law enforcement agency may submit the
7 fingerprint file to the Department of State Police. The information must be
8 entered into the Law Enforcement Data System and the Western Identifica-
9 tion Network Automated Fingerprint Identification System.

10 (8) When fingerprint files or records are submitted under subsection (7)
11 of this section, the Department of State Police shall enter in a special index
12 in the computerized criminal history files the name of the child and the name
13 of the county or agency that submitted the fingerprint file or record.

14 (9) Fingerprints and other information entered in any data system pursu-
15 ant to subsection (7) of this section must be deleted when the child is lo-
16 cated.

17 **SECTION 9.** ORS 419A.265 is amended to read:]]

18 419A.265. Notwithstanding [ORS 419A.262 (2)(a)] **section 3 (2)(a)(A) of**
19 **this 2019 Act**, a person is eligible for an order of expunction under [ORS
20 419A.262] **section 3 (2)(a) of this 2019 Act** if the person was adjudicated for
21 committing an act that, if committed by an adult, would constitute a crimi-
22 nal offense in which possession, delivery or manufacture of marijuana or a
23 marijuana item as defined in ORS 475B.015 is an element and:

24 (1) The court finds that at least one year has elapsed since the date of
25 the person's most recent termination;

26 (2) The applicant has not been adjudicated or convicted for any other act
27 or offense, excluding motor vehicle violations; and

28 (3) The applicant has complied with and performed all conditions of the
29 adjudication.

30 **SECTION 10.** ORS 419C.370 is amended to read:

31 419C.370. (1) The juvenile court may enter an order directing that all

1 cases involving:

2 (a) Violation of a law or ordinance relating to the use or operation of a
3 motor vehicle, boating laws or game laws be waived to criminal or municipal
4 court;

5 (b) An offense classified as a violation under the laws of this state or a
6 political subdivision of this state be waived to municipal court if the mu-
7 nicipal court has agreed to accept jurisdiction; and

8 (c) A misdemeanor that entails theft, destruction, tampering with or
9 vandalism of property be waived to municipal court if the municipal court
10 has agreed to accept jurisdiction.

11 (2) Cases waived under subsection (1) of this section are subject to the
12 following:

13 (a) That the criminal or municipal court prior to hearing a case, other
14 than a case involving a parking violation, in which the defendant is or ap-
15 pears to be under 18 years of age notify the juvenile court of that fact; and

16 (b) That the juvenile court may direct that any such case be waived to
17 the juvenile court for further proceedings.

18 (3)(a) When a person who has been waived under subsection (1)(c) of this
19 section is convicted of a property offense, the municipal court may impose
20 any sanction authorized for the offense except for incarceration. The munic-
21 ipal court shall notify the juvenile court of the disposition of the case.

22 (b) When a person has been waived under subsection (1) of this section
23 and fails to appear as summoned or is placed on probation and is alleged to
24 have violated a condition of the probation, the juvenile court may recall the
25 case to the juvenile court for further proceedings. When a person has been
26 returned to juvenile court under this paragraph, the juvenile court may
27 proceed as though the person had failed to appear as summoned to the ju-
28 venile court or had violated a juvenile court probation order under ORS
29 419C.446.

30 (4) Records of cases waived under subsection (1)(c) of this section are ju-
31 venile records for purposes of expunction under ORS 419A.260 to **419A.262**.

1 **SECTION 11.** ORS 659A.030 is amended to read:

2 659A.030. (1) It is an unlawful employment practice:

3 (a) For an employer, because of an individual's race, color, religion, sex,
4 sexual orientation, national origin, marital status or age if the individual is
5 18 years of age or older, or because of the race, color, religion, sex, sexual
6 orientation, national origin, marital status or age of any other person with
7 whom the individual associates, or because of an individual's juvenile record
8 that has been expunged pursuant to ORS 419A.260 [*and*] **to** 419A.262, to re-
9 fuse to hire or employ the individual or to bar or discharge the individual
10 from employment. However, discrimination is not an unlawful employment
11 practice if the discrimination results from a bona fide occupational quali-
12 fication reasonably necessary to the normal operation of the employer's
13 business.

14 (b) For an employer, because of an individual's race, color, religion, sex,
15 sexual orientation, national origin, marital status or age if the individual is
16 18 years of age or older, or because of the race, color, religion, sex, sexual
17 orientation, national origin, marital status or age of any other person with
18 whom the individual associates, or because of an individual's juvenile record
19 that has been expunged pursuant to ORS 419A.260 [*and*] **to** 419A.262, to dis-
20 criminate against the individual in compensation or in terms, conditions or
21 privileges of employment.

22 (c) For a labor organization, because of an individual's race, color, reli-
23 gion, sex, sexual orientation, national origin, marital status or age if the
24 individual is 18 years of age or older, or because of an individual's juvenile
25 record that has been expunged pursuant to ORS 419A.260 [*and*] **to** 419A.262,
26 to exclude or to expel from its membership the individual or to discriminate
27 in any way against the individual or any other person.

28 (d) For any employer or employment agency to print or circulate or cause
29 to be printed or circulated any statement, advertisement or publication, or
30 to use any form of application for employment or to make any inquiry in
31 connection with prospective employment that expresses directly or indirectly

1 any limitation, specification or discrimination as to an individual's race,
2 color, religion, sex, sexual orientation, national origin, marital status or age
3 if the individual is 18 years of age or older, or on the basis of an expunged
4 juvenile record, or any intent to make any such limitation, specification or
5 discrimination, unless based upon a bona fide occupational qualification.
6 Identification of prospective employees according to race, color, religion, sex,
7 sexual orientation, national origin, marital status or age does not violate
8 this section unless the Commissioner of the Bureau of Labor and Industries,
9 after a hearing conducted pursuant to ORS 659A.805, determines that the
10 designation expresses an intent to limit, specify or discriminate on the basis
11 of race, color, religion, sex, sexual orientation, national origin, marital sta-
12 tus or age.

13 (e) For an employment agency, because of an individual's race, color, re-
14 ligion, sex, sexual orientation, national origin, marital status or age if the
15 individual is 18 years of age or older, or because of the race, color, religion,
16 sex, sexual orientation, national origin, marital status or age of any other
17 person with whom the individual associates, or because of an individual's
18 juvenile record that has been expunged pursuant to ORS 419A.260 *[and]* to
19 419A.262, to classify or refer for employment, or to fail or refuse to refer for
20 employment, or otherwise to discriminate against the individual. However,
21 it is not an unlawful employment practice for an employment agency to
22 classify or refer for employment an individual when the classification or re-
23 ferral results from a bona fide occupational qualification reasonably neces-
24 sary to the normal operation of the employer's business.

25 (f) For any person to discharge, expel or otherwise discriminate against
26 any other person because that other person has opposed any unlawful prac-
27 tice, or because that other person has filed a complaint, testified or assisted
28 in any proceeding under this chapter or has attempted to do so.

29 (g) For any person, whether an employer or an employee, to aid, abet,
30 incite, compel or coerce the doing of any of the acts forbidden under this
31 chapter or to attempt to do so.

1 (2) The provisions of this section apply to an apprentice under ORS
2 660.002 to 660.210, but the selection of an apprentice on the basis of the
3 ability to complete the required apprenticeship training before attaining the
4 age of 70 years is not an unlawful employment practice. The commissioner
5 shall administer this section with respect to apprentices under ORS 660.002
6 to 660.210 equally with regard to all employees and labor organizations.

7 (3) The compulsory retirement of employees required by law at any age
8 is not an unlawful employment practice if lawful under federal law.

9 (4)(a) It is not an unlawful employment practice for an employer or labor
10 organization to provide or make financial provision for child care services
11 of a custodial or other nature to its employees or members who are respon-
12 sible for a minor child.

13 (b) As used in this subsection, “responsible for a minor child” means
14 having custody or legal guardianship of a minor child or acting in loco
15 parentis to the child.

16 (5) This section does not prohibit an employer from enforcing an other-
17 wise valid dress code or policy, as long as the employer provides, on a
18 case-by-case basis, for reasonable accommodation of an individual based on
19 the health and safety needs of the individual.

20 **SECTION 12.** ORS 670.290 is amended to read:

21 670.290. It shall be unlawful for any state agency or licensing board, in-
22 cluding the Oregon State Bar, to:

23 (1) Require that an applicant for employment, licensing or admission an-
24 swer any questions regarding the existence or contents of a juvenile record
25 that has been expunged pursuant to ORS 419A.260 [*and*] **to** 419A.262;

26 (2) Bar or discharge from employment or refuse to hire or employ such
27 individual because of the existence or contents of a juvenile record that has
28 been expunged pursuant to ORS 419A.260 [*and*] **to** 419A.262; or

29 (3) Deny, revoke or suspend a license because of the existence or contents
30 of a juvenile record that has been expunged pursuant to ORS 419A.260
31 [*and*] **to** 419A.262.

MISCELLANEOUS

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SECTION 13. (1) Sections 1 to 4 of this 2019 Act and the amendments to ORS 419A.250, 419A.260, 419A.262, 419A.265, 419C.370, 659A.030 and 670.290 by sections 5, 6 and 8 to 12 of this 2019 Act apply to expunction of juvenile records related to juvenile cases terminated on or after the effective date of this 2019 Act.

(2) Expunction of records related to juvenile cases terminated before the effective date of this 2019 Act shall continue to be governed by the law in effect prior to the effective date of this 2019 Act.

SECTION 14. The unit and section captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

D R A F T

SUMMARY

Requires public bodies to use Department of State Police for purposes of requesting criminal records checks relating to employment by public body.

In claim for negligence based on defendant's failure to conduct adequate criminal records check, establishes rebuttable presumption that defendant was not negligent if defendant requested and received criminal records check from Department of State Police.

A BILL FOR AN ACT

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Relating to criminal records checks.

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

SECTION 1. If a public body conducts a criminal records check of a person for the purposes of employment by the public body, the public body shall request the criminal records check from the Department of State Police.

SECTION 2. In a claim for negligence based on the defendant's failure to conduct an adequate criminal records check of a person, there is a rebuttable presumption that the defendant was not negligent if the defendant requested and received the criminal records check from the Department of State Police.

D R A F T

SUMMARY

Directs Oregon State Bar to study methods for providing legal representation for indigent persons in civil matters and report to appropriate committee or interim committee of Legislative Assembly no later than September 15, 2020.

A BILL FOR AN ACT

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Relating to legal representation.

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

SECTION 1. The Oregon State Bar shall study methods for providing legal representation for indigent persons in civil matters and report to an appropriate committee or interim committee of the Legislative Assembly no later than September 15, 2020.

D R A F T

SUMMARY

Eliminates driving suspension for failure to appear on citation for traffic offense.

Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine.

A BILL FOR AN ACT

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2 Relating to driving privileges; creating new provisions; amending ORS
3 153.061, 153.073, 153.772, 419C.306, 807.010, 807.120, 809.220, 809.280, 809.380,
4 809.415, 809.416 and 809.515; and repealing ORS 809.210.

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

5 **SECTION 1.** ORS 809.220 is amended to read:

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7 809.220. This section establishes procedures that are applicable if a person
8 *[fails to appear on a citation for a traffic offense or]* fails to appear on a ci-
9 tation for a violation of ORS 471.430 or 475B.316. All of the following apply
10 to this section:

11 (1) If a defendant fails to make any appearance required by the court or
12 by law in a proceeding charging the defendant with *[a traffic offense or]* with
13 a violation of ORS 471.430 or 475B.316, the court[:]

14 *[(a)]* shall issue notice to the Department of Transportation to suspend for
15 failure to appear if the defendant is charged with *[a traffic crime or with]* a
16 violation of ORS 471.430 or 475B.316. If a court issues notice under this
17 *[paragraph]* **subsection**, the department shall suspend the driving privileges
18 of the person as provided under ORS 809.280.

19 *[(b)]* Shall issue notice to the department to implement procedures under
20 ORS 809.416 if the defendant is charged with a traffic violation. If a court

1 *issues notice under this paragraph, the department shall implement procedures*
2 *under ORS 809.416.]*

3 (2) In any notice to the department under this section, a court shall cer-
4 tify that the defendant failed to appear in the proceedings in the manner
5 required by the court or by law.

6 (3) At any time within 10 years from the date the [*traffic offense or*] vio-
7 lation of ORS 471.430 or 475B.316 occurred, a court shall give a second notice
8 to the department to reinstate the person's suspended driving privileges re-
9 sulting from the original notice if any of the following occur:

10 (a) The fine for the offense is paid or the defendant has begun making
11 payments.

12 (b) The court finds the defendant not guilty or orders a dismissal of the
13 case.

14 (c) The court determines that the person's suspended driving privileges
15 should be reinstated for good cause.

16 (4) The court may reissue a notice of suspension if the person ceases
17 making payments before the fine is paid in full. The reissuance does not ex-
18 tend the original period of suspension.

19 (5) Notifications by a court to the department under this section shall be
20 in a form prescribed by the department.

21 [*(6) A court may not notify the department under this section for failure to*
22 *appear on any parking, pedestrian or bicyclist offense.]*

23 **SECTION 2.** ORS 153.061 is amended to read:

24 153.061. (1) Except as provided in subsection (2) of this section, a defend-
25 ant who has been issued a violation citation must either:

26 (a) Make a first appearance by personally appearing in court at the time
27 indicated in the summons; or

28 (b) Make a first appearance in the manner provided in subsection (3) of
29 this section before the time indicated in the summons.

30 (2) If a defendant is issued a violation citation for careless driving under
31 ORS 811.135 on which a police officer noted that the offense contributed to

1 an accident and that the cited offense appears to have contributed to the
2 serious physical injury or death of a vulnerable user of a public way, the
3 officer may not enter the amount of the presumptive fine on the summons
4 and the defendant must make a first appearance by personally appearing in
5 court at the time indicated in the summons.

6 (3) Except as provided in this section, a defendant who has been issued
7 a violation citation may make a first appearance in the matter before the
8 time indicated in the summons by one of the following means:

9 (a) The defendant may submit to the court a written or oral request for
10 a trial.

11 (b) The defendant may enter a plea of no contest by delivering to the
12 court the summons and a check or money order in the amount of the
13 presumptive fine set forth in the summons. The entry of a plea under the
14 provisions of this paragraph constitutes a waiver of trial and consent to the
15 entry of a judgment forfeiting the presumptive fine. A no contest plea under
16 this section is not subject to the requirements of ORS chapter 135 relating
17 to the entry of pleas and, upon receipt of the plea, the court may enter
18 judgment against the defendant without taking further evidence.

19 (4) The court may require that a defendant requesting a trial under sub-
20 section (3) of this section deposit an amount equal to the presumptive fine
21 established under ORS 153.019 and 153.020 or such other amount as the court
22 determines appropriate if the defendant has failed to appear in any court on
23 one or more other charges in the past. If the defendant does not deposit the
24 amount specified by the court, the defendant must personally appear in court
25 at the time indicated in the summons. The amount deposited by the defendant
26 may be applied against any fine imposed by the court, and any amount not
27 so applied shall be refunded to the defendant at the conclusion of the pro-
28 ceedings.

29 (5) The court may require a defendant to appear personally in any case,
30 or may require that all defendants appear in specified categories of cases.

31 (6) If a defendant has entered a no contest plea in the manner provided

1 in subsection (3) of this section, and the court determines that the
2 presumptive fine is not adequate by reason of previous convictions of the
3 defendant, the nature of the offense charged or other circumstances, the
4 court may require that a trial be held unless an additional fine amount is
5 paid by the defendant before a specified date. Notice of an additional fine
6 amount under this subsection may be given to the defendant by mail. In no
7 event may the court require a total fine amount in excess of the maximum
8 fine established for the violation by statute.

9 (7) If a defendant [*fails to make a first appearance on a citation for a traffic*
10 *violation, as defined by ORS 801.557,*] fails to make a first appearance **or**
11 **fails to appear at any other subsequent time set for trial or other ap-**
12 **pearance** on a citation for a violation of ORS 471.430 **or 475B.316**[, *or fails*
13 *to appear at any other subsequent time set for trial or other appearance*], the
14 driving privileges of the defendant are subject to suspension under ORS
15 809.220.

16 **SECTION 3.** ORS 153.073 is amended to read:

17 153.073. Unless notice is waived by the defendant, the court shall mail or
18 otherwise provide to the defendant notice of the date, time and place at least
19 five days before the date set for trial under ORS 153.070. If the citation is
20 for [*a traffic violation, or is for*] a violation of ORS 471.430 **or 475B.316**, the
21 notice must contain a warning to the defendant that if the defendant fails
22 to appear at the trial **or other appearance**, the driving privileges of the
23 defendant are subject to suspension under ORS 809.220.

24 **SECTION 4.** ORS 153.772 is amended to read:

25 153.772. When the court issues a notice under ORS 809.220 to suspend the
26 driving privileges of a person for failure to appear on a citation for a vio-
27 lation of ORS 471.430 **or 475B.316**, the district attorney may not file an
28 accusatory instrument charging the person with violating ORS 153.992.

29 **SECTION 5.** ORS 419C.306 is amended to read:

30 419C.306. (1) The summons shall require the person or persons who have
31 physical custody of the youth to appear and bring the youth before the court

1 at the time and place stated in the summons. The time for the hearing on
2 the petition shall be fixed at a reasonable time, not less than 24 hours, after
3 the issuance of the summons. If it appears to the court that the welfare of
4 the youth or of the public requires that the youth immediately be taken into
5 custody, the court may indorse an order on the summons as provided in ORS
6 419C.080 (2) directing the officer serving it to take the youth into custody.

7 (2)(a) Summons shall be issued to the legal parents of the youth, without
8 regard to who has legal or physical custody of the youth, and to the legal
9 guardians, if any, of the youth.

10 (b) Parents or guardians summoned pursuant to paragraph (a) of this
11 subsection shall appear personally pursuant to the summons. Following the
12 initial appearance, parents or guardians shall appear as directed by the
13 court.

14 (c) An employer may not discharge, threaten to discharge, intimidate or
15 coerce any employee by reason of the employee's attendance at a juvenile
16 court hearing as required under paragraph (a) of this subsection.

17 (d) This subsection may not be construed to alter or affect an employer's
18 policies or agreements with employees concerning employees' wages during
19 times when an employee attends a juvenile court hearing under paragraph
20 (a) of this subsection.

21 (3) If the youth is 12 years of age or older, a certified copy of the sum-
22 mons shall be served upon the youth. If the petition alleges that the youth
23 is within the jurisdiction of the court for having violated ORS 471.430 **or**
24 **475B.316**, the summons must contain a statement that, if the youth fails to
25 appear as required in the summons, the driving privileges of the youth are
26 subject to suspension under ORS 419C.472.

27 (4) Summons may be issued requiring the appearance of any person whose
28 presence the court deems necessary. When a summons is issued to a youth
29 pursuant to a petition alleging jurisdiction under ORS 419C.005, a copy of
30 the summons shall be mailed to all victims whose names appear on the pe-
31 tition pursuant to ORS 419C.255 (2). The copy of the summons shall be ac-

1 accompanied by a notice that the victim may be present for the youth's
2 appearance before the court and is entitled to request and receive notifica-
3 tion of future hearings before the court in regard to the particular case. The
4 copy of the summons shall also be accompanied by a notice informing the
5 victim of the provisions of ORS 30.765.

6 **SECTION 6.** ORS 807.010 is amended to read:

7 807.010. (1) A person commits the offense of operating a vehicle without
8 driving privileges if the person operates a motor vehicle upon a highway or
9 premises open to the public in this state and the person does not have an
10 appropriate grant of driving privileges from this state in the form of a li-
11 cense, driver permit, endorsement or statutory grant of driving privileges
12 allowing the person to engage in the particular type of operation.

13 (2) A person to whom a license or driver permit is issued commits the
14 offense of violating license restrictions if the person operates a motor vehicle
15 in any manner that violates restrictions that are placed upon the person's
16 driving privileges by the Department of Transportation under ORS 807.120
17 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

18 (3) Nothing in this section is applicable to a person who is driving while
19 suspended or revoked in violation of ORS 811.175 or 811.182. Persons who
20 violate ORS 811.175 or 811.182 are subject to the provisions and penalties
21 provided therein and are not subject to the penalties and provisions of this
22 section.

23 (4) Except as provided in subsection (5) of this section, the offense de-
24 scribed in subsection (1) of this section, operating a vehicle without driving
25 privileges, is a Class B traffic violation.

26 (5) The offense described in subsection (1) of this section, operating a
27 vehicle without driving privileges, that results from a person operating a
28 motorcycle without a motorcycle endorsement, is a Class A traffic violation.

29 (6)(a) The court shall suspend a fine imposed under subsection (5) of this
30 section on the condition that the person, within 120 days of the date of
31 sentencing:

1 (A) Complete a motorcycle education course established by the depart-
2 ment under ORS 802.320; and

3 (B) Obtain a motorcycle endorsement issued under ORS 807.170.

4 (b) The court shall set a hearing date for 120 days from the date of sen-
5 tencing. At the hearing the court shall:

6 (A) If the person has successfully completed the requirements described
7 in paragraph (a)(A) and (B) of this subsection, [*dismiss the fine imposed un-*
8 *der subsection (5) of this section*] **enter a sentence of discharge; or**

9 (B) If the person has not successfully completed the requirements de-
10 scribed in paragraph (a)(A) and (B) of this subsection:

11 (i) Grant the person an extension based on good cause shown; or

12 (ii) Impose the fine under subsection (5) of this section.

13 (7) The offense described in subsection (2) of this section, operating in
14 violation of license restrictions, is a Class B traffic violation.

15 **SECTION 7.** ORS 807.120 is amended to read:

16 807.120. (1) The Department of Transportation may place restrictions on
17 any driving privileges granted a person if the department determines that
18 there is good cause to restrict the driving privileges of the person in order
19 to ensure the safe operation of a motor vehicle by the person.

20 (2) Restrictions placed on a driver license or driver permit by the de-
21 partment under this section shall be suitable to the driving ability of the
22 person whose driving privileges are restricted. The restrictions may include:

23 (a) Restrictions on the type of motor vehicle the person may operate;

24 (b) Requirements for special mechanical control devices on motor vehicles
25 operated by the person; or

26 (c) Any other restrictions the department determines appropriate to en-
27 sure the safe operation of a motor vehicle by the person.

28 (3) The department shall place a restriction on the commercial driver li-
29 cense of a person who performs the skill demonstration required under ORS
30 807.070 for issuance of a commercial driver license in a vehicle that:

31 (a) Is not equipped with air brakes. A restriction imposed under this

1 paragraph prohibits the person from operating commercial motor vehicles
2 equipped with service brakes that operate fully or partially by air pressure.

3 (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes
4 includes any braking system operating partially by air pressure and partially
5 by hydraulic pressure. A restriction imposed under this paragraph prohibits
6 the person from operating commercial motor vehicles equipped with service
7 brakes that operate solely by air pressure.

8 (c) Is equipped with an automatic transmission. A restriction imposed
9 under this paragraph prohibits the person from operating commercial motor
10 vehicles equipped with manual transmissions.

11 (d) Uses any connection other than a fifth wheel hitch between the power
12 unit and a vehicle towed in combination with the power unit. A restriction
13 under this paragraph prohibits the person from operating a commercial mo-
14 tor vehicle in combination with any other vehicle using a fifth wheel hitch
15 between the power unit and first towed unit.

16 (4) The department shall place a restriction on the commercial driver li-
17 cense and the commercial learner driver permit of a person who does not
18 pass an air brakes knowledge test administered under ORS 807.070. The re-
19 striction shall prohibit the person from operating a commercial motor vehicle
20 with service brakes that operate fully or partially by air pressure.

21 (5) The department may impose restrictions under this section by setting
22 forth the restrictions on the regular license form or by issuing a special form
23 for licenses with restrictions.

24 (6) The department shall place restrictions on driving privileges under
25 this section when ordered by a court under ORS [809.210 or] 809.270. Any
26 restriction imposed under this subsection shall be made a part of the person's
27 driving record and shall remain in effect until the court notifies the depart-
28 ment in writing that the restrictions are removed.

29 (7) The department may impose restrictions under this section on driving
30 privileges that are restored after having been suspended or revoked. The re-
31 strictions imposed under this subsection may include any restrictions that

1 have been recommended by a convicting magistrate.

2 (8) The use of the term “restrictions” in this section includes any re-
3 strictions, conditions or requirements.

4 (9) Violation of any restrictions placed on driving privileges under this
5 section is punishable as provided under ORS 807.010.

6 **SECTION 8.** ORS 809.280, as amended by section 28, chapter 76, Oregon
7 Laws 2018, is amended to read:

8 809.280. (1) Upon receipt of a court order under ORS 809.270, the Depart-
9 ment of Transportation shall suspend the person’s driving privileges. The
10 suspension shall remain in effect until the department is notified by the
11 court that the suspension is ended, except that, if the department is ordered
12 to automatically reinstate the driving privileges upon the successful com-
13 pletion of a program, the department shall do so and shall notify the judge
14 that the person has complied with the order of the judge.

15 (2) Upon receipt of a court order under ORS 809.120, the department shall
16 suspend the person’s driving privileges. The suspension shall be for the pe-
17 riod ordered by the court. The court may only order suspension for a period
18 not to exceed 90 days.

19 (3) Upon receipt of a court notice under ORS 809.130 of an unsettled
20 judgment, the department shall suspend the person’s driving privileges and,
21 subject to any other requirements of law, reinstate the driving privileges
22 upon appropriate notification from the court under ORS 809.130, except that
23 the department shall only impose the suspension after the department has
24 determined that:

25 (a) The judgment was rendered against the person;

26 (b) The judgment has remained unsettled as described in ORS 809.470 for
27 60 days; and

28 (c) The judgment continues to be unsettled as described in ORS 809.470.

29 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the
30 department shall suspend the person’s driving privileges for an indefinite
31 period. The department shall reinstate driving privileges that have been

1 suspended under this subsection upon notification by the court or upon the
2 elapse of 10 years from the date the [*traffic offense or*] violation of ORS
3 471.430 **or 475B.316** occurred, whichever comes first. [*The department may*
4 *not suspend any driving privileges under this subsection for a person's failure*
5 *to appear on a parking, pedestrian or bicyclist offense.*]

6 (5) Upon receipt of a court notice under ORS 810.310, the department shall
7 suspend the person's driving privileges for an indefinite period. The depart-
8 ment shall reinstate driving privileges that have been suspended under this
9 subsection upon notification by the court or upon the lapse of 10 years from
10 the date of suspension, whichever comes first.

11 (6) Upon receipt of a court order under ORS 809.260, the department shall
12 suspend the person's driving privileges as follows:

13 (a) Upon receipt of the first order suspending driving privileges, the de-
14 partment shall suspend the person's driving privileges for one year, or until
15 the person reaches 17 years of age, whichever is longer.

16 (b) Upon receipt of a second or subsequent order suspending driving
17 privileges, the department shall suspend the person's driving privileges for
18 one year or until the person reaches 18 years of age, whichever is longer.

19 (7) If the department receives notice from a court that it has withdrawn
20 an order issued under ORS 809.260, the department shall immediately rein-
21 state any driving privileges that have been suspended under subsection (6)
22 of this section because of the issuance of the order.

23 (8) Upon receipt of a court order under ORS 165.805 or 471.430, the de-
24 partment shall suspend the person's driving privileges. The suspension shall
25 be for the period ordered by the court. The court may only order suspension
26 for a period not to exceed one year.

27 (9) Upon receipt of a court order under ORS 809.235, the department shall
28 permanently revoke the person's driving privileges. The revocation shall re-
29 main in effect until the department is notified by a court that the person's
30 driving privileges have been ordered restored.

31 (10) When a court orders suspension of driving privileges under ORS

1 811.109 (4), the department shall suspend the person's driving privileges. The
2 suspension shall be for the period ordered by the court. The court may only
3 order suspension for a period not to exceed 30 days.

4 (11) When a court orders suspension of driving privileges under ORS
5 811.109 (5), the department shall suspend the person's driving privileges. The
6 suspension shall be for the period ordered by the court. The court may only
7 order suspension for not less than 30 days and not more than 90 days.

8 (12) Upon receipt of a court order under ORS 811.135, the department
9 shall suspend the person's driving privileges for one year.

10 **SECTION 9.** ORS 809.380, as amended by section 30, chapter 76, Oregon
11 Laws 2018, is amended to read:

12 809.380. All of the following apply to a person whose driving privileges
13 have been suspended:

14 (1) The period of suspension shall last as long as provided for that par-
15 ticular suspension by law.

16 (2) During the period of suspension, the person is not entitled to exercise
17 any driving privileges in this state except as provided under this subsection.
18 Unless otherwise specifically provided by law, a person whose driving privi-
19 leges are suspended may obtain, if the person qualifies, a hardship driver
20 permit under ORS 807.240, and exercise driving privileges under the driver
21 permit.

22 (3) Upon expiration of the suspension, the Department of Transportation
23 shall reissue, upon request of the person, the suspended driving privileges
24 and any license or driver permit that evidences the driving privileges. The
25 reissuance shall be without requalification by the person except that the
26 department may require the person to furnish evidence satisfactory to the
27 department that the person is qualified to continue to exercise driving privi-
28 leges in this state before the department reissues the driving privileges.

29 (4) The department may not issue any driving privileges in contradiction
30 to this section.

31 (5) If the person fails to surrender to the department any license or driver

1 permit issued as evidence of driving privileges that are suspended, the person
2 is subject to the penalties under ORS 809.500.

3 (6) No reinstatement of suspended driving privileges will be made by the
4 department until the fee for reinstatement of suspended driving privileges
5 established under ORS 807.370 is paid to or waived by the department. The
6 department may waive the reinstatement fee for any of the following reasons:

7 (a) The suspension occurred under ORS 809.419 for failure to take an ex-
8 amination upon request of the department under ORS 807.340.

9 (b) The suspension occurred under ORS 809.419 for failure to obtain re-
10 quired medical clearance upon request of the department under ORS 807.070
11 or 807.090.

12 (c) The suspension occurred under ORS 809.419 for incompetence to drive
13 a motor vehicle or having a mental or physical condition or impairment that
14 affects the person's ability to safely operate a motor vehicle.

15 (d) The suspension occurred under ORS 809.419 upon notification by the
16 superintendent of a hospital under ORS 807.700 that a person should not
17 drive.

18 (e) The suspension occurred under ORS 809.419 upon notification by a
19 court under ORS 810.375 that a person charged with a traffic offense has
20 been found guilty except for insanity.

21 (f) The department committed an error in issuing the suspension.

22 (g) The suspension was the result of an error committed by an insurance
23 company in issuing or failing to issue a certification of insurance or in
24 canceling a certification of insurance filed with the department under ORS
25 806.270.

26 (h) The department issued the suspension without error because the per-
27 son failed to respond as required under ORS 806.160 or to furnish proof of
28 exemption under ORS 806.210 from the filing requirement of ORS 806.200, but
29 the department later determines that the person in fact was in compliance
30 with financial responsibility requirements as of the date of the department's
31 letter of verification under ORS 806.150 or at the time of an accident de-

1 scribed in ORS 806.200.

2 (i) The department issued the suspension without error because the person
3 was not in compliance with financial responsibility requirements as of the
4 date of the department's letter of verification under ORS 806.150 or at the
5 time of an accident described in ORS 806.200, but the department later de-
6 termines that the person reasonably and in good faith believed that the per-
7 son was in compliance with financial responsibility requirements on the date
8 of the department's letter of verification or at the time of the accident.

9 (j) The suspension was the result of an error committed by an insurance
10 company in notifying the department regarding the correctness of a certi-
11 fication under ORS 806.150.

12 (k) The suspension occurred because the person failed to make future re-
13 sponsibility filings but the department later determines that the reason for
14 the failure was that the person was a military reservist or a member of a
15 national guard unit that was ordered to active military duty to a location
16 outside of the United States. The effective date of the military orders must
17 be prior to the effective date of a suspension issued by the department for
18 failure to make a future responsibility filing.

19 (L) The department issued the suspension without error because the de-
20 partment received a notice to suspend from a court under ORS [809.210 or]
21 809.220, but the department later determines that the person in fact was in
22 compliance with the requirements of the court prior to the effective date of
23 the suspension.

24 **SECTION 10.** ORS 809.415, as amended by section 33, chapter 76, Oregon
25 Laws 2018, is amended to read:

26 809.415. (1)(a) The Department of Transportation shall suspend the driving
27 privileges of a person who has a judgment of the type described under ORS
28 806.040 rendered against the person if the person does not settle the judgment
29 in the manner described under ORS 809.470 within 60 days after its entry.

30 (b) A suspension under this subsection shall continue until the person
31 does one of the following:

1 (A) Settles the judgment in the manner described in ORS 809.470.

2 (B) Has an insurer that has been found by the department to be obligated
3 to pay the judgment, provided that there has been no final adjudication by
4 a court that the insurer has no such obligation.

5 (C) Gives evidence to the department that a period of seven years has
6 elapsed since the entry of the judgment.

7 (D) Receives from the court that rendered the judgment an order permit-
8 ting the payment of the judgment in installments.

9 (c) A person is entitled to administrative review under ORS 809.440 of a
10 suspension under this subsection.

11 (2)(a) The department shall suspend the driving privileges of a person who
12 falsely certifies the existence of a motor vehicle liability insurance policy
13 or the existence of some other means of satisfying financial responsibility
14 requirements or of a person who, after certifying the existence of a motor
15 vehicle liability insurance policy or other means of satisfying the require-
16 ments, allows the policy to lapse or be canceled or otherwise fails to remain
17 in compliance with financial responsibility requirements.

18 (b) Notwithstanding paragraph (a) of this subsection, the department may
19 suspend under this subsection only if proof of compliance with financial re-
20 sponsibility requirements as of the date of the letter of verification from the
21 department under ORS 806.150 is not submitted within 30 days after the date
22 of the mailing of the department's demand under ORS 806.160.

23 (c) A suspension under this subsection shall continue until the person
24 complies with future responsibility filings.

25 (3)(a) The department shall suspend the driving privileges of a person who
26 fails to comply with future responsibility filings whenever required under the
27 vehicle code or fails to provide new proof for future responsibility filings
28 when requested by the department.

29 (b) A suspension under this subsection shall continue until the person
30 complies with future responsibility filings.

31 (c) A person whose initial obligation to make future responsibility filings

1 is not based upon a conviction or other action by a court is entitled to a
2 hearing under ORS 809.440 prior to a suspension under this subsection. A
3 person whose obligation to make future responsibility filings is based upon
4 a conviction or other action by a court is entitled to administrative review
5 under ORS 809.440 of a suspension under this subsection. A person whose
6 suspension under this subsection is based on lapses in filing after the initial
7 filing has been made is entitled to administrative review under ORS 809.440.

8 (4)(a) The department shall suspend driving privileges when provided un-
9 der ORS 809.416. The suspension shall continue until the earlier of the fol-
10 lowing:

11 (A) The person establishes to the satisfaction of the department that the
12 person has performed all acts necessary under ORS 809.416 to make the per-
13 son not subject to suspension.

14 (B) Ten years from the date the traffic offense or violation of ORS 471.430
15 occurred if the suspension is imposed for a reason described in ORS 809.416
16 [*(1) or 20 years from the date the traffic offense occurred if the suspension is*
17 *imposed for a reason described in ORS 809.416 (2)*].

18 (b) A person is entitled to administrative review under ORS 809.440 of a
19 suspension under this subsection.

20 (5) Upon determination by the department that a person has committed
21 an act that constitutes an offense described in ORS 809.310, the department
22 may suspend any driving privileges or any identification card of the person
23 determined to have committed the act. A suspension under this subsection
24 shall continue for a period of one year.

25 (6) Upon determination by the department that a person has submitted
26 false information to the department for the purpose of establishing or main-
27 taining qualification to operate a commercial motor vehicle or hold com-
28 mercial driving privileges, the department shall suspend the commercial
29 driving privileges or the person's right to apply for commercial driving
30 privileges for a period of one year.

31 **SECTION 11.** ORS 809.416, as amended by section 34, chapter 76, Oregon

1 Laws 2018, is amended to read:

2 809.416. *[This section establishes circumstances that will make a person*
3 *subject to suspension under ORS 809.415 (4) and what a person is required to*
4 *do to make the person no longer subject to suspension. The following apply as*
5 *described:]*

6 [(1)] A person is subject to suspension under ORS 809.415 (4) if the De-
7 partment of Transportation receives notice from a court to apply this section
8 under ORS 809.220. A person who is subject under this subsection remains
9 subject until the person presents the department with notice issued by the
10 court showing that the person is no longer subject to this section or until
11 10 years have elapsed from the date the *[traffic offense or]* violation of ORS
12 471.430 **or 475B.316** occurred, whichever is earlier. *[This subsection shall not*
13 *subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense*
14 *or parking offense.]* Upon receipt of notice from a court, the department shall
15 send a letter by first class mail advising the person that the suspension will
16 commence 60 days from the date of the letter unless the person presents the
17 department with the notice required by this subsection.

18 [(2)] *A person is subject to suspension under ORS 809.415 (4) if the depart-*
19 *ment receives a notice of suspension from a court under ORS 809.210 indicat-*
20 *ing that the person has failed or refused to pay a fine or obey an order of the*
21 *court. A person who is subject under this subsection remains subject until the*
22 *earlier of the following:]*

23 [(a)] *The person presents the department with a notice of reinstatement is-*
24 *sued by the court showing that the person:]*

25 [(A)] *Is making payments, has paid the fine or has obeyed the order of the*
26 *court; or]*

27 [(B)] *Has enrolled in a preapprenticeship program, as defined in ORS*
28 *660.010, or is a registered apprentice under ORS 660.020; or]*

29 [(b)] *Twenty years have elapsed from the date the traffic offense occurred.]*

30 [(3)] *Subsection (2) of this section does not subject a person to ORS 809.415*
31 *(4) for failure or refusal to pay a fine relating to any pedestrian offense, bicy-*

1 *cling offense or parking offense. Upon receipt of a notice of suspension from*
 2 *a court, the department shall send a letter by first class mail advising the*
 3 *person that the suspension will commence 60 days from the date of the letter*
 4 *unless the person presents the department with the notice of reinstatement re-*
 5 *quired by this subsection.]*

6 **SECTION 12.** ORS 809.515 is amended to read:

7 809.515. (1)(a) The Department of Transportation shall suspend the com-
 8 mercial driving privileges of a person if the department receives a notice
 9 from another jurisdiction that the person failed to appear[, *pay a fine or*
 10 *comply with an order of the court*] in a prosecution on a citation for a traffic
 11 offense or for a violation in the other jurisdiction that, if committed in this
 12 state, would be grounds for suspension under ORS [*809.210 or*] 809.220, and
 13 the person held commercial driving privileges or was operating a commercial
 14 motor vehicle at the time of the offense. The period of a suspension under
 15 this subsection is the shorter of:

16 (A) Ten years; or

17 (B) Until the department receives notice from the other jurisdiction that
 18 the person appeared[, *paid the fine or complied with the court's order*].

19 (b) The department shall suspend a person's commercial driving privileges
 20 under this subsection without regard to whether the other jurisdiction sus-
 21 pends any driving privileges of the person by reason of the person's failure
 22 to appear[, *pay a fine or comply with an order of the court*].

23 (c) This subsection does not apply to failure to appear[, *pay a fine or*
 24 *comply with an order of the court*] in a proceeding relating to a parking, pe-
 25 destrian, vehicle defect or bicycling offense.

26 (2) The department shall suspend the commercial driving privileges of a
 27 person if the department receives a notice from the Federal Motor Carrier
 28 Safety Administration that the person has been disqualified from operating
 29 a commercial motor vehicle and that the disqualification is due to a deter-
 30 mination that the driving of that person constitutes an imminent hazard. The
 31 department shall immediately suspend commercial driving privileges under

1 this subsection without hearing, but the person may request a post-
2 imposition hearing under ORS 809.440 (4), without regard to any hearings
3 conducted by the Federal Motor Carrier Safety Administration. The period
4 of a suspension under this section is the period of suspension prescribed by
5 the Federal Motor Carrier Safety Administration, or one year, whichever is
6 shorter.

7 **SECTION 13. ORS 809.210 is repealed.**

8 **SECTION 14. The amendments to ORS 153.061, 153.073, 153.772,**
9 **419C.306, 807.010, 807.120, 809.220, 809.280, 809.380, 809.415, 809.416 and**
10 **809.515 by sections 1 to 12 of this 2019 Act and the repeal of ORS 809.210**
11 **by section 13 of this of this 2019 Act apply to conduct giving rise to a**
12 **driving privilege restriction or driving privilege suspension on or after**
13 **the effective date of this 2019 Act. Driving privilege restrictions or**
14 **driving privilege suspensions imposed before the effective date of this**
15 **2019 Act shall be governed by law applicable to driving privilege re-**
16 **strictions and driving privilege suspensions in effect at the time of the**
17 **most recent restriction or suspension.**

18

D R A F T

SUMMARY

Establishes Task Force on Prison Education. Requires task force to report to committees of Legislative Assembly by September 15, 2020.
Sunsets on December 31, 2020.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to prison education; and declaring an emergency.

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

SECTION 1. (1) The Task Force on Prison Education is established, consisting of 14 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate. The appointed members may not belong to the same political party.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives. The appointed members may not belong to the same political party.

(c) The Governor shall appoint:

(A) One member representing the office of the Governor;

(B) One member representing the Employment Department;

(C) One member representing community colleges;

(D) One member representing four-year colleges;

(E) One member representing the Department of Corrections;

(F) One member representing Oregon businesses;

(G) One member representing building trades;

(H) One male individual who was formerly incarcerated;

1 (I) One female individual who was formerly incarcerated; and
2 (J) One member with expertise in community reentry for former
3 prisoners.

4 (2) The task force shall study the following:

5 (a) Existing prisoner education and training programs provided by
6 prisons, Oregon Corrections Enterprises and volunteers;

7 (b) Barriers to access to such programs, including space and budget
8 limitations; and

9 (c) Options and opportunities for expanding, updating and improv-
10 ing such programs.

11 (3) A majority of the members of the task force constitutes a quo-
12 rum for the transaction of business.

13 (4) Official action by the task force requires the approval of a ma-
14 jority of the members of the task force.

15 (5) The task force shall elect one of its members to serve as chair-
16 person.

17 (6) If there is a vacancy for any cause, the appointing authority
18 shall make an appointment to become immediately effective.

19 (7) The task force shall meet at times and places specified by the
20 call of the chairperson or of a majority of the members of the task
21 force.

22 (8) The task force may adopt rules necessary for the operation of
23 the task force.

24 (9) The task force shall submit a report, which may include rec-
25 ommendations for legislation, to the standing or interim committees
26 of the Legislative Assembly with subject matter jurisdiction over the
27 judiciary no later than September 15, 2020.

28 (10) The office of the Governor shall provide staff support to the
29 task force.

30 (11) Members of the task force who are not members of the Legis-
31 lative Assembly are not entitled to compensation or reimbursement

1 for expenses and serve as volunteers on the task force.

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

7 SECTION 2. Section 1 of this 2019 Act is repealed on December 31,
8 2020.

9 SECTION 3. This 2019 Act being necessary for the immediate pres-
10 ervation of the public peace, health and safety, an emergency is de-
11 clared to exist, and this 2019 Act takes effect on its passage.

12