



New Criminal Laws of 2013 Legislative Session Complete as of June 10, 2013

Subject	Bill #	Summary	Effective Date	Sponsor
Abuse	HB 2920	Amends notice requirements DHS must provide person of criminal offender record check in investigations of child abuse or neglect. Allows DHS to give required notice before or after receiving the information from OSP; removes requirement that DHS provide person of certain employment-related rights under federal Civil Right Act of 1964.	6/6/13	Rep. Carolyn Tomei
	HB 2205	Adds members, including attorneys, to list of persons who must report elder abuse; exempts attorney from obligation to report if information was communicated to attorney in course of representing client and if disclosure would be detrimental to the client. Expands Oregon Elder Abuse Work Group to include a criminal defense attorney.	Gov's desk; EC	Rep. Vic Gilliam and Val Hoyle
Animals	HB 2783	Creates offense of unlawful tethering as Class B violation if person tethers a domestic animal with a tether not of reasonable length, with collar that pinches or chokes, for more than 10 hours in a 24 hour period, or more than 15 hours in a 24 hour period if tether is attached to running line. Provides exceptions. Tethering that results in serious injury or death constitutes first degree animal neglect. Tethering that results in physical injury constitutes second degree animal neglect. Defines what constitutes adequate bedding and shelter for purposes of minimum care of domestic animal.	Passed conference committee; awaiting signatures; effective 1/1/14	House Committee on Agriculture and Natural Resources

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Appeal	SB 39	Authorizes a justice, municipal or circuit court at time of sentencing to issue an order staying execution of a sentence, or portion of a sentence, pending resolution on appeal. Establishes factors for consideration by court; grants court authority to establish terms of release.	1/1/14	SJUC; formerly Sen. Bonamici at request of OCDLA member Jesse Barton
	SB 42	Creates process for appeal from circuit courts' granting or denying DNA test, granting or denying a new trial based on test results, and denying appointment of counsel with respect to DNA test.	5/16/13	OPDS
	SB 44	Directs appellate court to notify parties to appeal when appellate court receives corrected or supplemental judgment from trial court. Provides that party may appeal from corrected or supplemental judgment within 30 days from date appellate counsel receives such notice.	5/16/13	OPDS
	SB 50	Provides that trial court has jurisdiction to enter appealable order after filing of notice of appeal in certain circumstances.	3/18/13	OJD
	SB 51	Multiple provisions relating to judicial efficiency: Removes statutory barriers to implementation of rules governing the consolidation of PV proceedings in multiple courts; allows CJ to appoint out-of-district judge as acting presiding judge upon vacancy; provides flexibility for certified court reporting program.	5/16/13	OJD
	HB 3278	Permits appellate court to vacate juvenile court judgment or order and remand to juvenile court for reconsideration if all parties to the appeal request the court to do so. Allows juvenile court to modify its original judgment order, and parties to thereafter appeal in same time and manner as appeal from original order.	1/1/14	AG Ellen Rosenblum

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	HB 3282	Requires trial court to issue written order on victim's claim for violation of right. Clarifies that Attorney General shall appear on behalf of state in appeal of violation of victim's right.	5/23/13	AG Ellen Rosenblum
Civil Commitment	SB 426	Updates and conforms terminology in civil commitment statutes to use term "person with mental illness" rather than "mentally ill person."	Gov's desk; EC	Sen. Floyd Prozanski
Controlled Substances	HB 2554	Authorizes conditional discharge of person found guilty of unlawful possession of prescription drug.	5/9/13	Rob Bovett, Lincoln Co DA
	SB 384	Requires OHA to develop and prescribe criteria for training on treatment of opiate overdose; specifies requirements for training.	6/6/13	Sen. Alan Bates
Courts	HB 2547	Authorizes Chief Justice to make rules authorizing electronic summons for jurors.	5/11/13	OJD
	HB 2553	Modifies maximum period of time between defendant's arraignment and preliminary hearing to five "judicial" days (as opposed to "five days").	5/9/13	Interim HJUC
	SB 49	Authorizes CJ of Supreme Court to adopt standards and plan for physical security of judges and staff.	5/16/13	OJD
	SB 622	Defines "record of the case" and "supplemental confidential file" in juvenile court proceedings.	Gov's desk; EC	Oregon Law Commission

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Crimes	SB 141	Adds business entities as protected person for purposes of identity theft. Increases penalties for filing false corporate documents with SOS from Class B to Class A misdemeanor. Requires corporations to maintain a physical presence where a registered agent can be served. Allows SOS to withdraw document filed in error at request of an authorized business representative within one year.	5/16/13	SOS Kate Brown
Department of Corrections	HB 2236	Continues sunset to 1/1/18 of provision allowing DOC to enter into contracts with out-of-state public entities to send Oregon inmates to their correction facilities.	1/1/14	DOC
	HB 2685	Clarifies that offender transferred from DOC facility to local jail is eligible for any form of temporary or transitional leave if the offender was eligible for this kind of leave while under DOC supervision.	5/6/13	Rep. Kevin Cameron
	SB 93	Authorizes DOC to make grants to counties for purpose of providing reentry services to youth under 19 years. Establishes the services may include transitional housing.	4/11/13	SJUC
	SB 187	Ensures that DOC has 45 days after receipt of court order after second look conditional release hearing directing DOC to prepare a proposed release plan.	4/11/13	DOC
Driving	HB 2107	Permits person to satisfy requirement of verifying proof of insurance through electronic means. Provides exemption to offense of failure to carry proof of compliance with financial responsibility requirements for motor vehicle operators when police officer verifies compliance through LEDS.	5/14/13	Rep. Chris Garrett and Kim Thatcher

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HB 2195	Specifies that physician or health care provider who voluntarily makes report in good faith to ODOT regarding a cognitive or functional impairment to individual, which affects that individual's ability to safely operate a motor vehicle, is immune from civil liability that might otherwise result from making report.	1/1/4	House Interim Committee on Transportation
HB 2261	Specifies that provisional driver license restrictions do not apply to persons 18 years of age or older.	1/1/14	ODOT
HB 2262	Conforms Oregon's commercial driving license (CDL) statutes with recent changes in federal law. Describes persons who hold CDL privileges; revises provisions relating to suspension of CDL. Creates CDL driver permit; establishes fees, privileges and limitations of permit.	Signed by Governor 5/28/13; becomes operative 7/8/15.	ODOT
HB 2265	Permits use of photo radar in highway work zones on interstate highways under certain circumstances.	Gov's desk.	ODOT
HB 2385	Removes from health insurance coverage requirements for chemical dependency and mental or nervous conditions the exemption for treatment resulting from conviction of DUII.	Gov's desk; EC.	Reps. Phil Barnhart and Mitch Greenlick
HB 2406	Provides that person does not commit offense of obstruction of vehicle windows unless a material "prevents or impairs" the ability to see into or out of the vehicle, as opposed to "prohibits or impairs" such ability. Change is intended to permit commercial detailing and advertising on vehicle windows.	1/1/14	Rep. Andy Olson

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HB 2517	Exempts persons who are from countries with a Compact of Free Association with the US (i.e., Federated States of Micronesia, Republic of Marshall Islands, and Republic of Palau) from having to renew their ODL or ID card every year.	1/1/14	Rep. Vicki Berger
HB 2542	Increases period of revocation of driving privileges to three years if person convicted of failure to perform duties of driver causes serious physical injury to another. Occurs to conduct on or after 5/16/13.	5/16/13	Rep. Chris Garrett
HB 2630	Modifies definition of "transit bus" to require person to yield right of way to county-operated transit bus entering traffic.	5/22/13	Rep. Wally Hicks
HB 2986	Directs ODOT and DOC to work with Judicial Department to assist formerly incarcerated persons in apprenticeship and pre-apprenticeship programs with reinstatement of drivers licenses suspended for nonpayment of fines.	1/1/14	Rep. Michael Dembrow
HB 3047	Authorizes court to direct DMV to suspend and re-suspend license for person who fails to pay fines in accordance with payment plan. Makes changes under both failure to comply statute and failure to appear statutes. Extends length of suspension of driving privileges in person fails to pay fine or obey order of court from 10 years to 20 years.	1/1/14	Rep. Andy Olson
HB 3136	Allows court to dismiss citation issued for offense of operating vehicle with illegal window tinting, or to reduce fine that court would otherwise impose for that offense, if defendant establishes that tinting has been modified to comply with statutory requirements.	1/1/14	Rep. Nancy Nathanson

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	HB 3438	Permits City of Fairview to conduct pilot project utilizing photo radar in school zones, beginning 1/1/14 and ending 1/2/14. Requires that video recording of infraction be taken and reviewed by officer issuing the citation.	Passed 2 nd chamber; awaiting signatures; EC	Rep. Chris Gorsek
	SB 833	Directs ODOT to issue driver card to applicant who does not provide proof of legal presence in US but otherwise has complied with all requirements for type of driving privileges and has resided in Oregon for more than one year.	1/1/14	Sen. Chip Shields and others
	SB 444	Creates secondary traffic offense of smoking in motor vehicle while a minor is in motor vehicle. First offense is Class D traffic violation; second and subsequent offense a Class C traffic violation.	Gov's desk.	Sen. Elizabeth Steiner Hayward
DUII Diversion	HB 2116	Authorizes court in DUII diversion to exempt defendant from installing ignition interlock device if defendant satisfies medical exemption requirements, or employer signs employer-owned vehicle exemption.	Retroactive before, on, after 6/6/13	OCDLA
	HB 2627	- Allows DUII participant to pay off remaining diversion fees beyond allotted time so long as amount owed is less than \$500 and all other requirements of diversion are satisfied. Requires defendant to pay-off entire balance in arrears at hearing on order to show cause. - Allows DUII diversion court to order restitution as condition of diversion; restitution amount converts to money judgment at end of DUII diversion period if amount is not paid in full; i.e., failure to pay restitution amount within diversion period is not basis to for termination of diversion.	5/9/13	Rep. Wally Hicks at request of OCDLA member Tom Fagan
	HB 2773	Permits person to enter into DUII diversion agreement even if person has previously entered treatment following charge of MIP or possession of less than one ounce of marijuana.	1/1/14	Rep. Gelser at request of OCDLA member Joan Demarest

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	HB 2121	Establishes process by which person convicted of DUII may secure reinstatement of license when person lacks conclusive proof of completion of treatment requirement. Authorizes DMV to reinstate license upon showing of: (1) proof of completion of treatment program; (2) court order indicating that person has taken sufficient steps to complete treatment requirement; or (3) fifteen (15) years have elapsed since date of person's conviction. Allows person to file motion with circuit court to establish that the person has taken sufficient steps to complete treatment order; provides opportunity for district attorney to object. Directs court to notify DMV of restrictions, or removal of restrictions.	5/28/13	Rep. Jim Thompson
Evidence	HB 2833	Adopts Uniform Unsworn Foreign Declarations Act.	1/1/14	Oregon Law Commission
Expungement	HB 3327	Authorizes court to set aside conviction of sex crime in ORS 181.830(1)(a) if person has been relieved of obligation to register and has not been convicted of an otherwise non-eligible crime. Authorizes juvenile court to expunge records of person of acts that would constitute Rape III, Sodomy III, Sex Abuse III, or an attempt under prescribed limiting circumstances.	1/1/14	Speaker Tina Kotek
Forfeiture	SB 27	Modifies dates by which certain governmental entities must submit asset forfeiture reports to Asset Forfeiture Oversight Advisory Committee.	3/18/13	CJC
	HB 2384	Authorizes civil and criminal forfeiture of motor vehicle if person is cited for DWS when the DWS is a criminal offense. Requires law enforcement agencies to adopt policy and procedures for implementation.	Gov's desk; EC.	Rep. Phil Barnhart

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	HB 2603	Provides that if motion is file for return or restoration of device seized by law enforcement agency as gray machine, burden of proof is on state to establish that device is a “gray machine.”	5/16/13	HJUC
Immigration	HB 2573	Makes acting as an immigration consultant an unlawful trade practices act violation unless person is an active member of the bar or authorized under federal law.	1/1/14	OSB
Investigation	HB 2041	Extends the exception to providing a residential address to DMV to employees of a “law enforcement unit” as defined by ORS 181.610(12). That definition includes employees of the state, or of a county, city, tribal government or special district, university or common carrier railroad, who provides one of the following services: detecting crime and enforcing criminal laws or ordinances related to airport security; custody of persons convicted of, or arrested for, criminal offenses; parole officers. “Law enforcement unit” also covers employees of district attorney offices and private, nonprofit animal care agencies.	1/1/14	OSP
Juries	SB 55	Modifies “false in part” jury instruction to state the jury “may” distrust witness found to have been false in one part of their testimony, rather than “is to” distrust such witness.	1/1/14	OSB
Juveniles	HB 2049	Allows a “juvenile community supervision officer” to take into custody a youth who has violated parole. Requires the “juvenile community supervision officer” to bring a youth under 18 to a juvenile detention facility and youth over 18 to an adult detention facility. Defines a “juvenile community supervision officer” as an employee of the Oregon Youth Authority (OYA) who is a juvenile parole or probation officer, or an assistant to such an officer.	1/1/14	OYA

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	HB 3183	Authorizes county sheriff by agreement with DOC to deliver a youth offender directly to OYA without first delivering person to DOC.	Gov's desk; EC	HJUC
	SB 188	Authorizes OYA to establish work release program for persons in physical custody of OYA but in legal custody of DOC if person is not convicted of Measure 11 offense..	5/23/13	DOC
	SB 491	Permits minor 14 years of age or older to obtain, without parental knowledge or consent, outpatient diagnosis or treatment of mental or emotional disorder or chemical dependency from professional counselor or marriage and family therapist licensed by Oregon Board of Licensed Professional Counselors and Therapists.	1/1/14	Sen. Committee on Health care and Human Services
Marijuana	SB 281`	Adds post-traumatic stress disorder to definition of "debilitating medical condition" for purposes of authorizing medical use of marijuana.	1/1/14	Sen. Brian Boquist and Jackie Dingfelder
Military Justice	SB 32	Establishes Oregon Code of Military Justice as law governing state militia.	5/9/13	CJC
	SJM 1	Urges Congress to develop means of disclosure to states where persons convicted of sex crimes in military courts plan to reside.	On file with SOS	Sen Interim Committee on Veteran and Military Affairs
Metal Theft	HB 2403	Modifies manner in which scrap metal business may purchase metal for recycling: allows PO Box to be used if listed on government issued photo ID card; allows check to be released to an individual if approved by law enforcement agency.	5/16/13	Rep. Andy Olson

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Notarial Laws	HB 2834	Adopts the Revised Uniform Law on Notarial Acts as Oregon law.	9/1/13	Oregon Law Commission
PCR	HB 3287	Requires party in PCR proceeding to disclose witness information, including experts, to opposing party pursuant to timeline established by court.	1/1/14	AG Ellen Rosenblum
Peace Officers	SB 565	Expands authority of OHSU police department to have all authority of a municipal police department. Authorizes mutual aid agreements with other police departments.	5/6/13	SJUC
Privacy	SB 344	Prohibits certain educational institutions from requiring or compelling student or prospective student to provide institution with access to personal social media account. Creates civil action remedy for violation.	Gov's desk.	Sen. Ginny Burdick
Probation and Parole	HB 2234	Eliminates sunset of 7/1/13 on provision that allows offender on local control supervision to be placed on inactive status after half their sentence is served if they have been in compliance with conditions of supervision and have paid in full any restitution or compensatory fine.	5/9/13	DOC
Records	HB 2944	Enacts Uniform Electronic Legal Materials Act as Oregon law. Provides process for authentication and preservation of official record of Oregon Constitution, Session laws, ORS and OAR's.	5/23/13	Oregon Law Commission
	HB 3168	Directs Department of Administrative Services to establish rules specifying specific categories of persons subject to criminal background checks and requirements relating to such checks.	1/1/14	House Committee on Consumer Protection and Govt Efficiency

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	HB 3198	Requires justice and municipal courts to notify OSP after entering judgment of conviction for Class A misdemeanor in order that OSP can include the judgment on LEDS.	5/16/13	Rep. Nancy Nathanson
	HB 3467	Requires websites that disseminate photographic records of arrest individuals and charge fees for removal must remove the photographs and related information from all websites within their ownership or control without charging fee when requested to do so in writing and the arrest resulted in acquittal, violation, or expunction. Establishes unlawful trade practice violation for failure to comply.	1/1/14	Rep. Mitch Greenlick and Jennifer Williamson
	SB 52	Directs state agencies to preserve final orders in contested cases issued by agency in digital format and to provide electronic copies to OSB, or designee, upon request. Provides exemptions for certain agencies, including BPPPS.	1/1/14	OSB
Restitution	HB 3277	Fix to <i>State v. McLaughlin</i> . Clarifies that DA must present restitution information to court within 90 days of time judgment is entered. Requires DA to give defense attorney notice of exhibits and witnesses 10 days prior to restitution hearing. Failure to do so constitutes good cause for continuance of restitution hearing.	Gov's desk; EC	AG Ellen Rosenblum
Schools	HB 2192	<p>- Directs school districts board to adopt policies for the discipline, suspension or expulsion of refractory students. Outlines conduct that may result in discipline, suspension or expulsion. Limits expulsion to prescribed circumstances. Requires school to consider the age or past pattern of behavior of student prior to imposing suspension or expulsion.</p> <p>- Directs school districts to adopt written policies on managing students who threaten violence or harm. Specifies limitations on duration of expulsions.</p>	6/4/13	Youth, Rights & Justice

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		<ul style="list-style-type: none"> - Directs school boards to develop policies to address students carrying firearms. - Directs school boards to develop polices to address use of physical force upon a student. - Requires districts to develop student code of conduct handbook. - Allows superintendent to modify expulsion requirements for student on case by case basis and propose alternative programs. 		
	HB 2756	Prohibits public education program from purchasing, building or possessing "seclusion cells"; defines term. Requires removal of seclusion cells from classrooms by 7/1/13 and from premises by 9/1/13.	4/5/13	House Committee on Education
	HB 3045	Directs district school boards to establish policy for reporting of incidents that result in injury.	7/1/13	House Committee on Education
Search and Seizure	HB 3286	Eliminates transcription requirement for warrants based on sworn oral statements; requires oral statements be recorded and copy provided to and retained by court who took the oral statement; requires DA to retain copy.	5/23/13	AG Ellen Rosenblum
	SB 186	Expands list of crimes to include fish and wildlife violations for which court may issue warrant authorizing installation or tracking of mobile tracking device. Specifies that each authorization for use of mobile tracking device may not exceed 30 days, subject to reapplication.	Gov's desk; EC	OSP
Sentencing	SB 638	Adopts rules of the Criminal Justice Commission: <ul style="list-style-type: none"> - Classifies DUII as Level 4 or 6 after passage of Measure 73 - Classifies felony strangulation and new SB 395 felony DUII as person 	1/1/14	CJC

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felonies

- Clarifies on the grid that the 3rd DUUI carries a 90 day jail sentence
- Clarifies that the 90 day jail sentence must be served in local jail without reduction for any reason
- Clarifies that for 3d DUUI Felony, court may still use 180 sanction units after imposition of 90 mandatory jail sentence
- Clarifies that the “1/3” rule does not apply to SB 395 DUUI and the 90 days jail is to be imposed at sentencing on these cases
- Classifies 4th DUUI within 10 year period a crime seriousness level 6
- Classifies Felony Strangulation a crime seriousness level 6
- Deletes erroneous classification of Failure to Register as Sex Offender a crime seriousness level 6
- Classifies 34d DUUI as crime seriousness level 4 felony

Sex Crimes

[HB 2334](#)

Broadens crime of compelling prostitution to include “attempted prostitution” on behalf of the victim.

6/4/13

Rep. Carolyn Tomei

[HB 3253](#)

Requires sex offender released into Oregon to register as sex offender if jurisdiction of conviction or federal law requires registration, regardless of whether conviction would be sex crime in this state.

Passed 2nd chamber; awaiting signatures; EC

Rep. Andy Olson

Sex Offender Registration

[SB 30](#)

Authorizes court to order offender convicted of luring to register as sex offender if court determines that offender reasonably believed child was more than five years younger than offender, or that victim was under the age of 16; and that registration is necessary for safety of the community.

6/4/13

OSP

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Veterans	HCR 24	Resolution expresses support for creation of Veterans Treatment Courts in all judicial districts	On file with SOS	Rep. Jim Weidner
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	SB 124	Permits court to consider as mitigation factor at sentencing the defendant's status as service member.	Sentencing proceeding on or after 6/6/13	OSB
	SB 125	Requires state agency to provide notice to parties in contested case hearing describing rights that active duty service members have to stay proceedings under federal law and providing contact information for legal resources.	9/1/13	OSB
Victims	HB 3281	Adds "agents of the defense" to ORS 135.970, thereby requiring investigators to inform victim of right to refuse contact in criminal and PCR proceeding.	1/1/14	AG Ellen Rosenblum
	HB 3282	Requires trial court to issue written order on victim's claim for violation of right. Clarifies that Attorney General is only entity who shall appear on behalf of state in appeal of violation of victim's right.	5/23/13	AG Ellen Rosenblum

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