

A-Engrossed Senate Bill 370

Ordered by the Senate May 29
Including Senate Amendments dated May 29

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Repeals sunset on various provisions dealing with sex offender registration.

Limits authority of Department of State Police to post sex offender information on Internet. Allows juvenile sex offender to petition within 90 days after termination of wardship for relief from duty to report. Specifies burden of proof and criteria to be considered. Establishes presumptive life sentence upon person's third conviction for felony sex crime. Modifies provisions dealing with notification of chiefs of police, sheriffs and public when sex offender is released.

Declares emergency, effective July 1, 2001.

A BILL FOR AN ACT

1
2 Relating to sex offenders; creating new provisions; amending ORS 137.540, 144.260, 181.586, 181.588,
3 181.600, 419C.446 and 420A.122 and section 1, chapter 626, Oregon Laws 1999; repealing sections
4 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46, chapter 626,
5 Oregon Laws 1999, and sections 3 and 4, chapter 843, Oregon Laws 1999; appropriating money;
6 and declaring an emergency.

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

8 **SECTION 1. Sections 25 (amending ORS 181.594), 26 (amending ORS 181.594), 27 (amend-**
9 **ing ORS 181.595), 28 (amending ORS 181.596), 29 (amending ORS 181.597), 30 (amending OR**
10 **181.598), 31 (amending ORS 181.599), 32 (amending ORS 181.601), 33 (amending ORS 181.586),**
11 **34 (amending ORS 137.540), 35 (amending ORS 144.102), 36 (amending ORS 144.270), 37**
12 **(amending ORS 181.588), 38 (amending ORS 181.589), 39 (amending ORS 181.606), 40 (amending**
13 **ORS 419A.260), 41 (amending ORS 181.600), 42 (amending ORS 181.603), 43 (amending ORS**
14 **181.604), 44 (amending ORS 423.478), 45 (amending ORS 163.345) and 46, chapter 626, Oregon**
15 **Laws 1999, and sections 3 (amending ORS 181.586) and 4, chapter 843, Oregon Laws 1999, are**
16 **repealed.**

17 **SECTION 2. Section 1, chapter 626, Oregon Laws 1999, is amended to read:**

18 **Sec. 1.** (1) The Department of State Police shall enter into the Law Enforcement Data System
19 the sex offender information obtained from the sex offender registration forms submitted under ORS
20 181.595, 181.596 and 181.597. The department shall remove from the Law Enforcement Data System
21 the sex offender information obtained from the sex offender registration form submitted under ORS
22 181.595, 181.596 or 181.597 if the conviction or adjudication that gave rise to the registration obli-
23 gation is reversed or vacated or if the registrant is pardoned.

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

1 (2)(a) When a person is under supervision for the first time as a result of a conviction for an
2 offense requiring reporting as a sex offender, the department, a chief of police or a county sheriff
3 shall release, upon request, only the following information about the sex offender:

4 (A) The sex offender's name and date of birth;

5 (B) A physical description of the sex offender and a photograph, if applicable;

6 (C) The name and zip code of the city where the sex offender resides; and

7 (D) The name and telephone number of a contact person at the agency that is supervising the
8 sex offender.

9 (b) Notwithstanding paragraph (a) of this subsection, if the sex offender is under the supervision
10 of the Oregon Youth Authority or a county juvenile department, the Department of State Police,
11 chief or police or county sheriff shall release only:

12 (A) The sex offender's name and year of birth;

13 (B) The name and zip code of the city where the sex offender resides; and

14 (C) The name and telephone number of a contact person at the agency that is supervising the
15 sex offender.

16 (c) An agency that supervises a sex offender shall release, upon request, any information that
17 may be necessary to protect the public concerning the sex offender.

18 (3) Except as otherwise limited by subsection (2)(a) and (b) of this section regarding persons who
19 are under supervision for the first time as sex offenders, the Department of State Police, a chief of
20 police or a county sheriff shall release, upon request, any information that may be necessary to
21 protect the public concerning sex offenders who reside in a specific area or concerning a specific
22 sex offender. However, the entity releasing the information may not release the identity of a victim
23 of a sex crime.

24 (4)(a) The department may make the information described in subsections (2) and (3) of this
25 section available to the public, without the need for a request, by electronic or other means. The
26 department shall make information about a person who is under supervision for the first time as a
27 result of a conviction for an offense that requires reporting as a sex offender accessible only by the
28 use of the sex offender's name. For all other sex offenders, the department may make the information
29 accessible in any manner the department chooses.

30 **(b) Notwithstanding paragraph (a) of this subsection, the department may use the**
31 **Internet to make the information described in subsections (2) and (3) of this section available**
32 **to the public only if the information is about a person determined to be a predatory sex**
33 **offender as provided in ORS 181.585 or found to be a sexually violent dangerous offender**
34 **under ORS 144.635.**

35 (5) The Law Enforcement Data System may send sex offender information to the National Crime
36 Information Center as part of the national sex offender registry in accordance with appropriate state
37 and federal procedures.

38 (6) As used in this section:

39 (a) "Sex crime" has the meaning given that term in ORS 181.594.

40 (b) "Sex offender" means a person who is required to report under ORS 181.595, 181.596 or
41 181.597.

42 **SECTION 3.** ORS 181.600 is amended to read:

43 181.600. (1)(a) No sooner than 10 years after termination of supervision on probation, conditional
44 release, parole or post-prison supervision, a person required to report [by] **under** ORS 181.595,
45 181.596 or 181.597 may file a petition in the circuit court of the county in which the person resides

1 for an order relieving the person of the duty to report if:

2 (A) The person has only one conviction for, or juvenile court finding of jurisdiction based on,
3 a sex crime;

4 (B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would
5 have been a misdemeanor or Class C felony if committed in this state; and

6 (C) The person has not been determined to be a predatory sex offender as described in ORS
7 181.585.

8 (b) The district attorney of the county shall be named and served as the respondent in the pe-
9 tition.

10 (2) The court shall hold a hearing on the petition. In determining whether to grant the relief
11 requested, the court shall consider:

12 (a) The nature of the offense that required reporting;

13 (b) The age and number of victims;

14 (c) The degree of violence involved in the offense;

15 (d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the
16 conviction that required reporting;

17 (e) The period of time during which the petitioner has not reoffended;

18 (f) Whether the petitioner has successfully completed a court-approved sex offender treatment
19 program; and

20 (g) Any other relevant factors.

21 (3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated
22 and that the petitioner does not pose a threat to the safety of the public, the court shall enter an
23 order relieving the petitioner of the duty to report.

24 (4) No *[sooner than 10 years]* **later than 90 days** after the termination of juvenile court wardship
25 of a person required to report under ORS 181.595, 181.596 or 181.597, the person may file a petition
26 in the circuit court for relief from the duty to report *[as provided in subsections (1) to (3) of this*
27 *section]*. **The person, the district attorney of the county and the juvenile department of the**
28 **county are parties to a hearing on a petition filed under this subsection.**

29 **(5) When a person files a petition under subsection (4) of this section, the state has the**
30 **burden of proving by clear and convincing evidence that the person is not rehabilitated and**
31 **continues to pose a threat to the safety of the public. In determining whether the state has**
32 **met its burden of proof, the court may consider but need not be limited to considering:**

33 **(a) The extent and impact of any physical or emotional injury to the victim;**

34 **(b) The nature of the act that subjected the person to the duty of reporting as a sex**
35 **offender;**

36 **(c) Whether the person used or threatened to use force in committing the act;**

37 **(d) Whether the act was premeditated;**

38 **(e) Whether the person took advantage of a position of authority or trust in committing**
39 **the act;**

40 **(f) The age of any victim at the time of the act, the age difference between any victim**
41 **and the person and the number of victims;**

42 **(g) The vulnerability of the victim;**

43 **(h) Other acts committed by the person that would be crimes if committed by an adult**
44 **and criminal activities engaged in by the person before and after the adjudication;**

45 **(i) Statements, documents and recommendations by or on behalf of the victim or the**

1 **parents of the victim;**

2 **(j) The person's willingness to accept personal responsibility for the act and personal**
3 **accountability for the consequences of the act;**

4 **(k) The person's ability and efforts to pay the victim's expenses for counseling and other**
5 **trauma-related expenses or other efforts to mitigate the effects of the act;**

6 **(L) Whether the person has participated in and satisfactorily completed a sex offender**
7 **treatment program or any other intervention, and if so the court may consider:**

8 **(A) The availability, duration and extent of treatment activities;**

9 **(B) Reports and recommendations from the providers of the treatment;**

10 **(C) The person's compliance with court or supervision requirements regarding treatment;**

11 **and**

12 **(D) The quality and thoroughness of the treatment program;**

13 **(m) The person's academic and employment history;**

14 **(n) The person's use of drugs or alcohol before and after the adjudication;**

15 **(o) The person's history of public or private indecency;**

16 **(p) The person's compliance with and success in completing the terms of supervision;**

17 **(q) The results of psychological examinations of the person;**

18 **(r) The protection afforded the public by the continued existence of the records; and**

19 **(s) Any other relevant factors.**

20 **SECTION 4. (1) The presumptive sentence for a sex crime that is a felony is life**
21 **imprisonment without the possibility of release or parole if the defendant has been sentenced**
22 **for sex crimes that are felonies at least two times prior to the current sentence.**

23 **(2) The court may impose a sentence other than the presumptive sentence provided by**
24 **subsection (1) of this section if the court imposes a departure sentence authorized by the**
25 **rules of the Oregon Criminal Justice Commission based upon findings of substantial and**
26 **compelling reasons.**

27 **(3) For purposes of this section:**

28 **(a) Sentences for two or more convictions that are imposed in the same sentencing pro-**
29 **ceeding are considered to be one sentence; and**

30 **(b) A prior sentence includes:**

31 **(A) Sentences imposed before, on or after the effective date of this 2001 Act; and**

32 **(B) Sentences imposed by any other state or federal court for comparable offenses.**

33 **(4) As used in this section, "sex crime" has the meaning given that term in ORS 181.594.**

34 **SECTION 5. ORS 137.540 is amended to read:**

35 137.540. (1) The court may sentence the defendant to probation, which shall be subject to the
36 following general conditions unless specifically deleted by the court. The probationer shall:

37 (a) Pay supervision fees, fines, restitution or other fees ordered by the court.

38 (b) Not use or possess controlled substances except pursuant to a medical prescription.

39 (c) Submit to testing of breath or urine for controlled substance or alcohol use if the probationer
40 has a history of substance abuse or if there is a reasonable suspicion that the probationer has ille-
41 gally used controlled substances.

42 (d) Participate in a substance abuse evaluation as directed by the supervising officer and follow
43 the recommendations of the evaluator if there are reasonable grounds to believe there is a history
44 of substance abuse.

45 (e) Remain in the State of Oregon until written permission to leave is granted by the Depart-

1 ment of Corrections or a county community corrections agency.

2 (f) If physically able, find and maintain gainful full-time employment, approved schooling, or a
3 full-time combination of both. Any waiver of this requirement must be based on a finding by the
4 court stating the reasons for the waiver.

5 (g) Change neither employment nor residence without prior permission from the Department of
6 Corrections or a county community corrections agency.

7 (h) Permit the probation officer to visit the probationer or the probationer's residence or work
8 site, and report as required and abide by the direction of the supervising officer.

9 (i) Consent to the search of person, vehicle or premises upon the request of a representative of
10 the supervising officer if the supervising officer has reasonable grounds to believe that evidence of
11 a violation will be found, and submit to fingerprinting or photographing, or both, when requested
12 by the Department of Corrections or a county community corrections agency for supervision pur-
13 poses.

14 (j) Obey all laws, municipal, county, state and federal.

15 (k) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections
16 or a county community corrections agency.

17 (L) Not possess weapons, firearms or dangerous animals.

18 (m) If under supervision for, or previously convicted of, a sex offense under ORS 163.305 to
19 163.467, and if recommended by the supervising officer, successfully complete a sex offender treat-
20 ment program approved by the supervising officer and submit to polygraph examinations at the di-
21 rection of the supervising officer.

22 (n) Participate in a mental health evaluation as directed by the supervising officer and follow
23 the recommendation of the evaluator.

24 (o) If required to report as a sex offender under ORS 181.596, report with the Department of
25 State Police, a chief of police, a county sheriff or the supervising agency:

26 (A) When supervision begins;

27 (B) Within 10 days of a change in residence; and

28 (C) Once each year within 10 days of the probationer's date of birth.

29 (2) In addition to the general conditions, the court may impose any special conditions of pro-
30 bation that are reasonably related to the crime of conviction or the needs of the defendant for the
31 protection of the public or reformation of the offender, or both, including, but not limited to, that
32 the probationer shall:

33 (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after
34 November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence
35 or to the premises thereof, or be subject to any combination of such confinement and restriction,
36 such confinement or restriction or combination thereof to be for a period not to exceed one year
37 or one-half of the maximum period of confinement that could be imposed for the offense for which
38 the defendant is convicted, whichever is the lesser.

39 (b) For felonies committed on or after November 1, 1989, be confined in the county jail, or be
40 subject to other custodial sanctions under community supervision, or both, as provided by rules of
41 the Oregon Criminal Justice Commission.

42 (c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as
43 specifically ordered by the court in order to pay restitution.

44 **(3) When a person who is a sex offender, as defined in ORS 181.594, is released on pro-**
45 **bation, the Department of Corrections or the county community corrections agency, which-**

1 **ever is appropriate, shall notify the chief of police, if the person is going to reside within a**
2 **city, and the county sheriff of the county in which the person is going to reside of the per-**
3 **son's release and the conditions of the person's release.**

4 [(3)] (4) Failure to abide by all general and special conditions imposed by the court and super-
5 vised by the Department of Corrections or a county community corrections agency may result in
6 arrest, modification of conditions, revocation of probation or imposition of structured, intermediate
7 sanctions in accordance with rules adopted under ORS 137.595.

8 [(4)] (5) The court may at any time modify the conditions of probation.

9 [(5)] (6) A court may not order revocation of probation as a result of the probationer's failure
10 to pay restitution unless the court determines from the totality of the circumstances that the pur-
11 poses of the probation are not being served.

12 [(6)] (7) It shall not be a cause for revocation of probation that the probationer failed to apply
13 for or accept employment at any workplace where there is a labor dispute in progress. As used in
14 this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010.

15 **SECTION 6.** ORS 144.260 is amended to read:

16 144.260. (1) Prior to the release on parole or post-prison supervision of a convicted person from
17 a Department of Corrections institution, the chairperson of the State Board of Parole and Post-
18 Prison Supervision shall inform the Department of Corrections, the district attorney and the sheriff
19 or arresting agency of the prospective date of release and of any special conditions thereof and shall
20 inform the sentencing judge and the trial counsel upon request. **If the person is a sex offender,**
21 **as defined in ORS 181.594, the chairperson shall also inform the chief of police, if the person**
22 **is going to reside within a city, and the county sheriff of the county in which the person is**
23 **going to reside of the person's release and the conditions of the person's release.**

24 (2) At least 30 days prior to the release from actual physical custody of any convicted person,
25 other than by parole or post-prison supervision, whether such release is pursuant to work release,
26 institutional leave, or any other means, the Department of Corrections shall notify the district at-
27 torney of the impending release and shall notify the sentencing judge upon request.

28 (3) The victim may request notification of the release and if the victim has requested notifica-
29 tion, the State Board of Parole and Post-Prison Supervision or the Department of Corrections, as the
30 case may be, shall notify the victim in the same fashion and under the same circumstances it is re-
31 quired to give notification to other persons under this section.

32 **SECTION 7.** ORS 420A.122 is amended to read:

33 420A.122. (1) Prior to a youth offender's release or discharge from a youth correction facility,
34 the Oregon Youth Authority shall notify the following of the release or discharge:

35 (a) Law enforcement agencies in the community in which the youth offender is going to reside;
36 and

37 (b) The school district in which the youth offender is going to reside.

38 (2) The youth authority shall include in the notification:

39 (a) The youth offender's name and date of release or discharge;

40 (b) The type of placement to which the youth offender is released; [and]

41 (c) Whether school attendance is a condition of release; **and**

42 **(d) If the youth offender is a sex offender, as defined in ORS 181.594, all other conditions**
43 **of release.**

44 (3) The youth authority, a law enforcement agency or anyone employed by or acting on behalf
45 of the youth authority or law enforcement agency who sends records under this section is not liable

1 civilly or criminally for failing to disclose the information under this section.

2 (4) No later than seven days after a youth offender's release or discharge from a youth cor-
3 rection facility, the Department of Education or its contractor shall provide the youth offender's
4 education records to the school district in which the youth offender enrolls.

5 **SECTION 8.** ORS 419C.446 is amended to read:

6 419C.446. (1) When a youth has been found to be within its jurisdiction, and when the court
7 determines it would be in the best interest and welfare of the youth, the court may place the youth
8 on probation. The court may direct that the youth remain in the legal custody of the youth's parents
9 or other person with whom the youth is living, or the court may direct that the youth be placed in
10 the legal custody of some relative or some person maintaining a foster home approved by the court,
11 or in a child care center or a youth care center authorized to accept the youth.

12 (2) The court may specify particular requirements to be observed during the probation consist-
13 ent with recognized juvenile court practice, including but not limited to restrictions on visitation
14 by the youth's parents, restrictions on the youth's associates, occupation and activities, restrictions
15 on and requirements to be observed by the person having the youth's legal custody, requirements
16 that the youth pay any assessment under ORS 137.290, requirements for visitation by and consulta-
17 tion with a juvenile counselor or other suitable counselor, requirements to make restitution under
18 ORS 419C.450, requirements of a period of detention under ORS 419C.453, requirements to pay a fine
19 under ORS 419C.459, requirements to pay a supervision fee under ORS 419C.449, requirements to
20 perform community service under ORS 419C.462, or service for the victim under ORS 419C.465, or
21 requirements to submit to blood or buccal testing under ORS 419C.473.

22 **(3) If the youth is a sex offender, as defined in ORS 181.594, the juvenile department shall**
23 **notify the chief of police, if the youth is going to reside within a city, and the county sheriff**
24 **of the county in which the youth is going to reside of the youth's release on probation and**
25 **the requirements imposed on the youth's probation under subsection (2) of this section.**

26 **SECTION 9. The amendments to ORS 137.540, 144.260, 419C.446 and 420A.122 by sections**
27 **5 to 8 of this 2001 Act apply to persons released on or after the operative date of this section.**

28 **SECTION 10.** ORS 181.588 is amended to read:

29 181.588. (1) Notwithstanding any other provision of law, **when a person who has been under**
30 **supervision by the Department of Corrections or a community corrections agency is no**
31 **longer under supervision**, the Department of State Police, the chief of police of a city police de-
32 partment or a county sheriff may notify the public that [a] **the person is a predatory sex offender**
33 *if [the Department of State Police, chief of police or sheriff, after consulting with the person's last pri-*
34 *mary supervising agency, determines that the person is a predatory sex offender as provided in ORS*
35 *181.585 and the person is not under active supervision by the Department of Corrections or a commu-*
36 *nity corrections agency]:*

37 **(a) While the person was under supervision, the person was determined to be a predatory**
38 **sex offender as provided in ORS 181.585 and notification under ORS 181.586 was made to**
39 **someone other than the person's family; and**

40 **(b) The person's last primary supervising authority has notified the Department of State**
41 **Police that the person was under a high level of supervision at the termination of the per-**
42 **son's most recent period of supervision.**

43 **(2) The Department of State Police, the chief of police of a city police department or a**
44 **county sheriff may notify the public that a person is a predatory sex offender if:**

45 **(a) The Department of State Police, the chief of police or the county sheriff determines**

1 **that the person is a predatory sex offender as provided in ORS 181.585; and**

2 **(b) The person was not under supervision in this state or for some other reason was not**
3 **subject to a determination under ORS 181.586.**

4 [(2)] (3) Notification under subsection (1) or (2) of this section may include distribution of any
5 information listed in ORS 181.586 (3).

6 **SECTION 11.** ORS 181.586 is amended to read:

7 181.586. (1)(a) If the State Board of Parole and Post-Prison Supervision for a person on parole
8 or post-prison supervision or the Department of Corrections or a community corrections agency for
9 a person on probation makes a determination that the person under its supervision is a predatory
10 sex offender, the agency supervising the person shall notify anyone whom the agency determines is
11 appropriate that the person is a predatory sex offender.

12 (b) When a predatory sex offender has been subsequently convicted of another crime and is on
13 supervision for that crime, the agency supervising the person may notify anyone whom the agency
14 determines is appropriate that the person is a predatory sex offender, regardless of the nature of the
15 crime for which the person is being supervised.

16 (2) In making a determination under subsection (1) of this section, the agency shall consider
17 notifying:

18 (a) The person's family;

19 (b) The person's sponsor;

20 (c) Residential neighbors and churches, community parks, schools, convenience stores, busi-
21 nesses and other places that children or other potential victims may frequent; and

22 (d) Any prior victim of the offender.

23 (3) When an agency determines that notification is necessary, the agency may use any method
24 of communication that the agency determines is appropriate. The notification may include, but is
25 not limited to, distribution of the following information:

26 (a) The person's name and address;

27 (b) A physical description of the person including, but not limited to, the person's age, height,
28 weight and eye and hair color;

29 (c) The type of vehicle that the person is known to drive;

30 (d) Any conditions or restrictions upon the person's probation, parole, post-prison supervision
31 or conditional release;

32 (e) A description of the person's primary and secondary targets;

33 (f) A description of the person's method of offense;

34 (g) A current photograph of the person; and

35 (h) The name or telephone number of the person's parole and probation officer.

36 (4) Not later than 10 days after making its determination that a person is a predatory sex
37 offender, the agency supervising the person shall:

38 (a) Notify the Department of State Police of the person's status as a predatory sex offender;

39 (b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex
40 offender; and

41 (c) Send to the Department of State Police, by electronic or other means, all of the information
42 listed in subsection (3) of this section that is available.

43 (5) When the Department of State Police receives information regarding a person under sub-
44 section (4) of this section, the Department of State Police, upon request, may make the information
45 available to the public.

1 (6) Upon termination of its supervision of a person determined to be a predatory sex offender,
2 the agency supervising the person shall:

3 (a) Notify the Department of State Police:

4 (A) Of the person's status as a predatory sex offender; [*and*]

5 (B) **Whether the agency made a notification regarding the person under this section; and**

6 (C) **Of the person's level of supervision immediately prior to termination of supervision;**

7 **and**

8 (b) Send to the Department of State Police, by electronic or other means, the documents relied
9 upon in determining that the person is a predatory sex offender **and in establishing the person's**
10 **level of supervision.**

11 (7) The agency supervising a person determined to be a predatory sex offender shall verify the
12 residence address of the person every 90 days.

13 **SECTION 12. Notwithstanding ORS 181.588 (1), the Department of State Police, the chief**
14 **of police of a city police department or a county sheriff may notify the public that a person**
15 **who is no longer under supervision is a predatory sex offender if the department, chief of**
16 **police or sheriff has determined, prior to the effective date of this 2001 Act, that the person**
17 **is a predatory sex offender as provided in ORS 181.585.**

18 **SECTION 13. There is appropriated to the Department of State Police, for the biennium**
19 **beginning July 1, 2001, out of the General Fund, the amount of \$446,731 for the purpose of**
20 **carrying out the provisions of section 1, chapter 626, Oregon Laws 1999.**

21 **SECTION 14. Sections 4, 9 and 12 of this 2001 Act, the repeals made by section 1 of this**
22 **2001 Act and the amendments to statutes and session law sections by sections 2, 3, 5 to 8,**
23 **10 and 11 of this 2001 Act become operative on January 1, 2002.**

24 **SECTION 15. This 2001 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2001 Act takes effect**
26 **July 1, 2001.**

27