

CHAPTER 58

AN ACT

SB 1553

Relating to the addiction crisis in this state; amending ORS 166.116 and 423.478.

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

SECTION 1. ORS 166.116 is amended to read:

166.116. (1) A person commits the crime of interfering with public transportation if the person:

(a) Intentionally or knowingly enters or remains unlawfully in or on a public transit vehicle or public transit station;

(b) Intentionally or knowingly interferes with the provision or use of public transportation services by, among other things, interfering with the movement of, or access to, public transit vehicles;

(c) While in or on a public transit vehicle or public transit station, engages in disorderly conduct in the second degree as defined in ORS 166.025; [or]

(d) Subjects a public transportation passenger, employee, agent or security officer or transit police officer to offensive physical contact[.]; **or**

(e) While in or on a public transit vehicle, knowingly ingests, inhales, ignites, injects or otherwise consumes a controlled substance that is not lawfully possessed by the person.

(2)(a)(A) Interfering with public transportation as provided in subsection (1)(a) of this section is a Class C misdemeanor.

(B) Notwithstanding subparagraph (A) of this paragraph, interfering with public transportation as provided in subsection (1)(a) of this section is a Class A misdemeanor if the person has three or more prior convictions for interfering with public transportation as provided in subsection (1)(a) of this section.

(b) Interfering with public transportation as provided in subsection (1)(b) to [(d)] **(e)** of this section is a Class A misdemeanor.

(3) As used in this section:

(a) "Controlled substance" has the meaning given that term in ORS 475.005.

[(a)] **(b)** "Enter or remain unlawfully" has the meaning given that term in ORS 164.205.

[(b)] **(c)** "Public transit station" includes all facilities, structures, lands and rights of way that are owned, leased, held or used for the purposes of providing public transportation services.

[(c)] **(d)** "Public transit vehicle" means a vehicle that is used for public transportation or operated by or under contract to any public body in order to provide public transportation.

[(d)] **(e)** "Public transportation" means transportation provided by a city, county, special district or any other political subdivision or municipal or public corporation.

SECTION 2. ORS 423.478 is amended to read:

423.478. (1) The Department of Corrections shall:

(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

(b) Provide central information and data services sufficient to:

(A) Allow tracking of offenders; and

(B) Permit analysis of correlations between sanctions, supervision, services and programs, and future criminal conduct; and

(c) Provide interstate compact administration and jail inspections.

(2) Subject to ORS 423.483, each county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies, designated drug-related misdemeanors or designated person misdemeanors who are:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for violation of a condition of parole, probation or post-prison supervision; or

(f) On conditional release under ORS 420A.206.

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

(a) When the person is released;

(b) Within 10 days of a change of residence;

(c) Once each year within 10 days of the person's birth date;

(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(4) As used in this section:

(a) "Attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

(b) "Designated drug-related misdemeanor" means:

(A) Unlawful possession of fentanyl under ORS 475.752 (8)(a);

(B) Unlawful possession of methadone under ORS 475.824 (2)(b);

(C) Unlawful possession of oxycodone under ORS 475.834 (2)(b);

(D) Unlawful possession of heroin under ORS 475.854 (2)(b);

(E) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(b);

(F) Unlawful possession of cocaine under ORS 475.884 (2)(b); *[or]*

(G) Unlawful possession of methamphetamine under ORS 475.894 (2)(b)[.]; **or**

(H) Interfering with public transportation under ORS 166.116 (1)(e).

(c) “Designated person misdemeanor” means:

(A) Assault in the fourth degree constituting domestic violence if the judgment document is as described in ORS 163.160 (4);

(B) Menacing constituting domestic violence if the judgment document is as described in ORS 163.190 (3); or

(C) Sexual abuse in the third degree under ORS 163.415.

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