

# Senate Bill 642

Sponsored by Senators CARTER, GORDLY, Representative SHIELDS; Representatives GREENLICK, HOLVEY, KOTEK

## 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 **as introduced**.

Precludes political subdivisions from excluding persons from geographic zones based on arrest, rather than conviction, for specified drug offenses.

## A BILL FOR AN ACT

1  
2 Relating to exclusion zones; amending ORS 430.325.

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

4 **SECTION 1.** ORS 430.325 is amended to read:

5 430.325. (1) A political subdivision in this state shall not adopt or enforce any local law or reg-  
6 ulation that makes any of the following an offense, a violation or the subject of criminal or civil  
7 penalties or sanctions of any kind:

8 (a) Public intoxication.

9 (b) Public drinking, except as to places where any consumption of alcoholic beverages is gen-  
10 erally prohibited.

11 (c) Drunk and disorderly conduct.

12 (d) Vagrancy or other behavior that includes as one of its elements either drinking alcoholic  
13 beverages or using controlled substances in public, being an alcoholic or a drug-dependent person,  
14 or being found in specified places under the influence of alcohol or controlled substances.

15 (e) Using or being under the influence of controlled substances.

16 **(f) Presence in or on a public right of way, park or other geographic zone if the prohibi-**  
17 **tion on the person's presence is based upon an arrest or probable cause to believe the person**  
18 **has committed an offense described in subsection (2) of this section.**

19 **(2)(a) If, as a result of the person's conviction for an offense described in paragraph (c)**  
20 **of this subsection, a person's presence in or on a public right of way, park or other ge-**  
21 **ographic zone is prohibited by a local law or regulation, the person may not be subject to**  
22 **criminal or civil penalties or sanctions of any kind as a result of the person's presence un-**  
23 **less, following the conviction, the person is provided with written notice of the prohibition**  
24 **and of the process of initiating an appeal.**

25 **(b) Notwithstanding subsection (1)(f) of this section, a political subdivision may provide**  
26 **information regarding areas with high crime rates to a court, supervisory authority or other**  
27 **political subdivision to facilitate geographic restrictions on persons subject to probation,**  
28 **parole or post-prison supervision.**

29 **(c) The offenses to which subsections (1)(f) and (2)(a) of this section apply are:**

30 **(A) A violation of ORS 475.840;**

31 **(B) A violation described in ORS 475.846 to 475.894;**

**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       **(C) A violation of ORS 475.904, 475.906, 475.908, 475.910 or 475.912; or**

2       **(D) An attempt, conspiracy or solicitation to commit an offense described in subpara-**  
3 **graphs (A) to (C) of this paragraph.**

4       **(3) Nothing in subsection (1) or (2) of this section is intended to prohibit:**

5       **(a) The enforcement of a local law or regulation pertaining to condemnation proceedings**  
6 **or nuisance properties; or**

7       **(b) The exclusion of a person from public transportation vehicles or facilities for a rea-**  
8 **sonable time following the person's arrest for a criminal offense occurring on a public**  
9 **transportation vehicle or facility.**

10       [2] **(4) Nothing in subsection (1) of this section shall affect any local law or regulation of any**  
11 **political subdivision in this state against driving while under the influence of intoxicants, as defined**  
12 **in ORS 813.010, or other similar offenses that involve the operation of motor vehicles.**

13