

SB 326 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Patricia Pascone, LPRO Analyst

Meeting Dates: 2/2, 2/9

WHAT THE MEASURE DOES:

Requires real property owners to clean up waste on site used for illegal cannabis operation, permits a city or county to pursue a civil proceeding for public nuisance abatement, provides attorney fees for the prevailing party in such proceeding, and allows a city or county to file a claim of lien on real property at the site of the illegal operation. Defines waste to include any part of a marijuana plant, irrigation materials, hoop houses and similar structures, and chemicals that the Department of Environmental Quality is authorized to clean up related to illegal drug manufacturing. Prohibits the use of permitted water rights or use of ground water at illegal cannabis grow sites, and permits the Oregon Water Resources Department to impose a civil penalty. Allows law enforcement to request judicial authorization to use mobile tracking devices, wiretaps, and pen register trap and trace devices related to illegal cannabis operation enforcement. Creates a Class B felony for possession of marijuana items that exceed 32 times allowable amounts, or manufacture of more than 100 mature or immature plants, or when accompanied by specified reckless unlawful conduct or knowing unlawful conduct related to working conditions or environmental factors. Specifies classification for reckless unlawful conduct is a crime category six (6) of the Criminal Justices Commission sentencing grid, and classification of knowing unlawful conduct is a category eight (8). Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Operations was created by House Bill 3000 (2021), and then expanded by Senate Bill 1564 (2021) to recommend legislative changes supporting law enforcement's response to illegal cannabis operations. The Task Force agreed upon several recommendations, including those contained in Senate Bill 326.