

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
JOHN LINDBACK  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 986-1518

June 15, 2007

To All Interested Parties:

Secretary of State Bill Bradbury is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#104), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #104 was filed in our office on June 14, 2007, by Wayne Brady and Julia Allison, for the General Election of November 4, 2008.

Enclosed is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division in the State Capitol. Your comments, if any, must be received by the Elections Division no later than July 9, 2007, in order for them to be considered in the review.

BILL BRADBURY  
Secretary of State

BY:

Carla Corbin  
Compliance Specialist

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**Section 1.** This Act shall be known as the Oregon Crimefighting Act. The purpose of this Act is to reduce all types of crime in Oregon, thereby better protecting our people and stimulating economic growth through improved and aggressive prevention, early intervention, investigation, prosecution, accountability, and rehabilitation. Drug abuse and addiction are heavily associated with crime, and these problems are important targets of criminal justice laws. To fight crime, this Act:

- a. increases penalties for repeat major sex offenders, and prevents registered sex offenders from holding elective office;
- b. establishes Meth Strike Forces, to focus on drug crime, and a Coordinated Grant Program to improve funding for drug prevention and treatment programs;
- c. allows tax credits for contributions to Meth Strike Forces and drug prevention or drug treatment programs;
- d. establishes a Commission on Domestic Violence, Child Abuse, and Sex Crimes to propose reforms in these areas as well as regarding use of the Internet by sexual predators;
- e. prohibits convicted criminals from voting while incarcerated;
- f. provides for prompt processing of suspected perpetrator DNA evidence in rape and sex abuse cases;
- g. replaces the Medical Marijuana Act with a more medically appropriate Marijuana Derivative and Synthetic Cannabinoid Prescription Program to focus help on those with legitimate needs;
- h. sets staffing standards to bring the Oregon State Police Patrol Division back to levels achieved in the 1970s;
- i. establishes a Retired Senior Volunteer Police program to encourage retired police officers to continue to serve, part-time;
- j. allows corrections officers to act as peace officers in the line of duty;
- k. increases penalties for repeat intoxicated drivers;
- l. requires criminal background checks on incarcerated persons, before they are released; and
- m. restricts prison early release programs.

**Section 2. a.** Any person who is convicted of a major felony sex crime, who has one (or more) previous conviction of a major felony sex crime, shall be imprisoned for a mandatory minimum term of 25 years.

**b.** "Major felony sex crime" means rape in the first degree (ORS 163.375), sodomy in the first degree (ORS 163.405), unlawful sexual penetration in the first degree (ORS 163.411), or using a child in a display of sexually explicit conduct (ORS 163.670).

**c.** "Previous conviction" includes a conviction for the statutory counterpart of a major felony sex crime in any jurisdiction, and includes a conviction in the same sentencing proceeding if the conviction is for a separate criminal episode as defined in ORS 131.505.

**Section 3.** No person who is listed or supposed to be listed on the Sex Offender Registration established under ORS Chapter 181 may be elected to or hold any elective office during the time such sex offender registration requirement applies to the person.

**Section 4.** The Attorney General shall assist counties and cities in the establishment and strengthening of Meth Strike Forces, at city, county, or regional levels, to bring together the necessary assets to successfully identify, investigate, arrest, and aggressively prosecute persons or criminal organizations dealing in the unlawful manufacture, distribution, and possession of controlled substances. At least ten attorneys from the Oregon Department of Justice shall be assigned to this effort. The Attorney General shall seek to have at least five of these attorneys designated as Special Assistant United States Attorneys by the United States Attorney for Oregon, so that these attorneys may prosecute drug crimes in federal courts and take advantage of strong federal penalties for drug crimes. These attorneys shall act in cooperation with Oregon's District Attorneys and shall assist those District Attorneys, with each county District Attorney remaining the chief prosecuting authority for each county. This section is operative July 1, 2009.

**Section 5.** The Attorney General shall establish a Coordinated Grant Program, in cooperation with the Criminal Justice Commission, Sheriffs, Chiefs of Police, District Attorneys, the Department of Human Resources, and the state Commission on Children and Families. The Program shall be available to all officials and agencies, as well as community-based nonprofit organizations, to develop coordinated grant applications to the federal government and other donors to fund additional comprehensive drug prevention and drug treatment programs at the local level. The purpose of this approach is to develop a synergy among various projects and to develop creative solutions. The Coordinated Grant Program shall prepare a report summarizing its activities, and deliver the report to the Legislative Assembly by January 1, 2011.

**Section 6.** Oregon taxpayers shall receive an annual income tax credit, on personal or corporate taxes, up to \$100 per year per individual taxpayer (\$200 per year for a couple filing a joint return) and up to \$2,000 per year per corporate taxpayer, for their contributions toward funding those Meth Strike Forces operating under Section 4 of this Act. The tax credit shall also be allowed for contributions to organizations which qualify as nonprofit organizations under the Internal Revenue Code and which provide drug prevention or drug treatment programs in Oregon. To be eligible for this tax credit, the organization programs must be recognized as reasonably effective by the Department of Human Services or by the Board of Commissioners of one or more counties. This tax credit applies to tax years beginning on or after January 1, 2010.

**Section 7.** a. The people hereby establish a Commission on Domestic Violence, Child Abuse, and Sex Crimes. The Commission shall include a Task Force on Domestic Violence and Child Abuse, and a Task Force on Sex Crimes, which shall operate as coordinated sub-groups of the Commission. The Commission shall consist of the Attorney General; three sheriffs; three district attorneys; two county commissioners; two city mayors; two chiefs of police; three counselors or advocates who work with victims of child abuse, domestic violence, or sex crimes; and three line public safety officers (rank of sergeant or below). The Governor shall appoint the Commission's members, subject to confirmation by the Senate. The Attorney General is automatically a member of the Commission and shall chair the Commission. The Attorney General shall designate the chair of each Task Force. The Commission shall delegate its members to one or both Task Forces. The Attorney General shall provide the Commission with support staff and office support.

b. The Commission shall be operative July 1, 2009. It shall gather information and develop recommendations to the Legislative Assembly in regard to reforms needed to reduce the incidences of domestic violence, child abuse, and sex crimes, and to better assist the victims of such crimes. The Commission shall include in its agenda a careful review of problems with use of the Internet by sexual predators who target minors as victims.

c. The focus of the Commission's work shall be specific reforms to improve laws, policies, procedures, and funding. The Commission and its Task Forces shall operate under the Open Meetings Law but may assign work groups to develop proposals informally, which shall be brought to the Task Forces and the Commission for public discussion and consideration.

d. The Commission's final report and recommendations shall be delivered to the Governor and the Legislative Assembly by September 1, 2010. Thereafter, the Commission shall continue in existence to follow up on its recommendations during the 2011 legislative session. The Commission shall expire on June 30, 2011.

**Section 8.** a. Any person who is incarcerated as a result of conviction of any felony or misdemeanor crime shall not vote during the time of the person's incarceration.

b. This restriction applies to any person who is incarcerated on or after the effective date of this Act, regardless of the date of criminal conviction and regardless of whether the most immediate cause of the incarceration was revocation of probation, revocation of parole, sanctions for violation of post-prison supervision standards, or some similar sanction. The only exception is for a person who is being held pending trial, and who is not otherwise subject to being incarcerated; such person may vote while incarcerated, if otherwise qualified to vote.

**Section 9.** In any rape or sex abuse investigation, where any suspected perpetrator DNA evidence has been gathered from the rape or sex abuse victim, the suspected perpetrator DNA evidence shall be analyzed and processed, and any suspected perpetrator DNA code shall be entered into the Oregon Criminal DNA database on a first-priority basis in order to more quickly identify and track down suspects. "First priority" means the suspected perpetrator DNA evidence is taken promptly by investigators and submitted as soon as possible, and in any event within three business days, to the lab for analysis, and the analysis process is started by the lab within 24 hours of receipt of such DNA evidence. This standard is set for the peace of mind of the victim, and failure to meet this standard shall not be the basis for exclusion of evidence in any proceeding.

**Section 10.** In order to reduce abuse of the system currently in place, the people hereby replace the "Medical Marijuana Act" with the following Marijuana Derivative and Synthetic Cannabinoid Prescription Program.

a. Cesamet and Marinol are synthetic cannabinoids which are approved by the Food and Drug Administration for treating loss of appetite and for treating nausea.

b. The provisions of this Section, relating to Cesamet and Marinol use, may be expanded to include other drugs approved by the Food and Drug Administration that include cannabinoids, their derivatives, or synthetic cannabinoids, if such drugs are to be used for purposes covered by this Section. Such extension shall be by way of rules established by the Department of Human Services, which is authorized to make such rules.

c. When an attending physician or nurse practitioner determines that a patient will likely benefit from use of prescribed Cesamet or Marinol for a diagnosed debilitating medical condition, so as to prevent or mollify decreased appetite or severe nausea, or for control of intractable pain or other symptoms of the condition, and

the patient does not have health insurance which covers all of the cost of such medication, the patient may apply to the Department of Human Services for provision of that part of the cost which is not covered by insurance. The Department of Human Services shall promptly process the application and, upon confirming that the application meets the requirements of this Act, shall pay or reimburse the amount necessary to ensure the delivery of Cesamet or Marinol to the patient.

d. The Department of Human Services shall establish rules for carrying out this Program. The Department may use the Oregon Health Plan as a process for carrying out this Program, if the Department finds this will be efficacious.

e. The purpose of this Program is to ensure the availability of Cesamet and Marinol to patients who need such medication, regardless of coverage by health insurance. Because this is a benefit for Oregonians, at the expense of Oregon's government, no patient is eligible for participation in the Marijuana Derivative and Synthetic Cannabinoid Prescription Program unless the patient has been a legal resident of Oregon for at least one continuous year immediately preceding application for coverage under the Program.

f. The attending physician or nurse practitioner shall monitor the patient's use of Cesamet or Marinol on the same basis as other controlled substances.

g. For purposes of this section:

i. "Attending physician" means a Doctor of Medicine or Doctor of Osteopathy licensed in Oregon under ORS Chapter 677.

ii. "Controlled substance" has the meaning given in ORS 475.005.

iii. "Diagnosed debilitating medical condition" means a condition diagnosed by an attending physician or nurse practitioner who determines that the condition is cancer; multiple sclerosis; glaucoma; positive status for human immunodeficiency virus or acquired immune deficiency syndrome; or any other condition where the attending physician or nurse practitioner believes that a prescription for the use of Cesamet or Marinol is a preferred form of treatment or a preferred form of necessary palliative care.

iv. "Nurse practitioner" has the meaning given in ORS 678.010.

h. ORS 475.300 through ORS 475.346 are repealed upon passage of this Act. Any person who, upon the effective date of this Act, holds a valid registry identification card issued under ORS 475.300 through ORS 475.346, may, through March 31, 2009, rely on the protections of such card, just as if ORS 475.300 through ORS 475.346 remained in effect. The Department of Human Services shall mail letters notifying registry identification cardholders that such cards are ineffective after March 31, 2009.

**Section 11. a.** The people recognize that the Patrol Division of the Oregon State Police has dramatically reduced in size due to long-term neglect by Oregon's elected officials. In 1970, Oregon had about one State Police patrol trooper per 3500 residents. In 1980, the ratio had slipped to one patrol trooper per 4100 residents. By the beginning of 2007, the ratio had dropped to one patrol trooper per 10,000 residents.

b. In order to provide for the public safety on and about Oregon roads and highways, the people insist that the Legislative Assembly shall ensure the staffing of sufficient sworn officers in the Patrol Division of the Oregon State Police, with necessary support, so as to achieve the following minimum patrol staffing levels, allowing a reasonable time for recruitment, hiring, and training of sworn officers: effective October 1, 2009, one full-time sworn officer per 9500 Oregon residents; effective May 1, 2011, one full-time sworn officer per 7500 Oregon residents; effective May 1, 2013, one full-time sworn officer per 5000 Oregon residents.

c. The population figures for this standard shall be the number of Oregon residents as established in the U.S. Census, as reported by the U.S. Bureau of the Census, and as revised annually.

**Section 12. a.** The people hereby establish the Retired Senior Volunteer Police (RSVP) program. For purposes of RSVP, "Police" includes all peace officers as defined in ORS 161.015(4).

b. The purpose of the RSVP program is to expand public safety services and to encourage retired peace officers to volunteer their services to the public in exchange for health care insurance coverage to the officers and, when appropriate, to the officers' spouses.

c. Under the program, any public agency which employs peace officers may provide opportunities to retired peace officers to volunteer their services.

d. Retired peace officers who volunteer through the program may assist, mentor, and train new peace officers, accompany patrol officers, assist in the administration of public agency programs and provide services that supplement services provided by the public agency. The public agency may not use the services of a volunteer to replace paid personnel.

e. In exchange for the services provided by a volunteer, the public agency, if funds are available for this purpose, may provide health care insurance coverage to the volunteer on the following bases:

i. For eight hours per week of volunteer services, the public agency shall provide health care insurance coverage to the volunteer on the same terms as the agency provides that coverage to full-time employees.

ii. For 12 hours per week of volunteer services, the public agency shall provide health care insurance coverage to the volunteer and the volunteer's spouse on the same terms as the agency provides that coverage to full-time employees and their spouses.

iii. A volunteer who provides services for more than the required number of hours per week may accrue those hours and thereby become eligible for health care insurance coverage for up to two years in which the retired peace officer does not provide volunteer services.

iv. Health care insurance coverage made available under this section is available only until the volunteer becomes eligible for Medicare coverage and, for the spouse of a volunteer, until the spouse becomes eligible for Medicare coverage.

f. A volunteer who provides services as provided in this section is not an employee of the public agency, is not employed for purposes of ORS 653.010 to 653.261, is not a subject worker for purposes of workers' compensation coverage and is not eligible for unemployment insurance. If the agency elects to provide workers' compensation coverage to the volunteer under ORS 656.039, the public agency may require the volunteer to waive any legal cause of action against the agency for any injury or disease arising out of and in the course of providing the volunteer services.

g. The public agency may provide health care insurance coverage to volunteers and their spouses under ORS 243.105 to 243.285, and the volunteers and their spouses are considered "eligible employees" and "family members" as those terms are defined in ORS 243.105.

h. Any public agency may adopt rules to administer the Retired Senior Volunteer Police program for that agency.

i. "Volunteer," when used as a noun in this section, means a retired public safety officer who volunteers services to a public agency as described in this section.

**Section 13. a.** A corrections officer has all of the powers and immunities of a peace officer if the corrections officer is an employee of the Department of Corrections and is acting within the course, scope, and authority of the officer's employment. A corrections officer is also a peace officer for purposes of Section 12 of this Act.

b. As used in this Section, "corrections officer" has the meaning given that term in ORS 181.610.

**Section 14. a.** Driving under the influence of intoxicants (ORS 813.010) shall be a class C felony if the defendant has been convicted of driving under the influence of intoxicants in violation of ORS 813.010, or its statutory counterpart in another jurisdiction, at least two times in the 10 years prior to the date of the current offense.

b. Once a person has been sentenced for a class C felony under this section, the 10-year time limitation is eliminated and any subsequent episode of driving under the influence of intoxicants shall be a class C felony regardless of the amount of time which intervenes.

c. Upon conviction for a class C felony under this section, the person shall be sentenced to a mandatory minimum term of incarceration of 90 days, without reduction for any reason.

d. The state shall fully reimburse any county for the county's costs of incarceration, including any pretrial incarceration, for a person sentenced under this section.

**Section 15.** Each county shall conduct a national criminal-history check at intake on each inmate housed in a county correctional facility, and shall not release any inmate before such criminal history check has been carried out. The state shall reimburse each county for the costs of conducting such criminal history checks. This section is operative April 1, 2009.

**Section 16. a.** Notwithstanding any other provision of law, no inmate who is incarcerated as a result of a felony conviction shall receive any reduction in sentence, release from custody, conditional release from custody, or any other form of early release, where such action will cause such inmate to serve any less than 80% of the original term of incarceration imposed by the sentencing court.

b. It is the intent of this section that any person sentenced to any term of incarceration for a felony must serve at least 80% of the original sentence.

c. This section does not in any fashion allow reduction of any mandatory minimum prison term, by any amount; any inmate must always serve 100% of any mandatory minimum term of imprisonment.

d. This section applies to any person who is incarcerated on or after the effective date of this Act.

**Section 17.** This Act is effective upon passage and every section is operative upon passage, except where a section specifies a different operative date.