

CRIMES/VIOLATIONS

HB 2285: Marijuana Penalty Clarification/Other Provisions

HB 2285 includes a number of various changes to law including:

- **Marijuana Penalty Clarification:** clarifies that delivery of more than an ounce of marijuana, for no consideration, is a Class C felony (level 2 on the sentencing guidelines).
- **Artificial Light from a Vehicle while Hunting:** authorizes a peace officer to cite an individual for using artificial light from a vehicle while in possession of a bow and arrow, rifle or other firearm.
- **Updated Firearm Definition:** Clarifies the definition of a firearm to mean any weapon designed to expel a projectile by the action of powder (including guns without a firing pin). This provision also clarifies what constitutes a firearm for the crimes of felon in possession, unlawful possession of a weapon, first degree theft and unlawful paramilitary activity.
- **Forensic Analyst Signed Report in Lieu of Appearance:** Eliminates the sunset in ORS 475.235 which provides that a certified copy of a forensic laboratory report signed by an analyst is prima facie evidence of the test results unless the defendant provides notice of an objection, in which case the state must produce the analyst at trial.

VITAL STATISTICS

Effective Date: January 1st, 2010
 2009 ORS Site: Chapter 610



“HB 2285 is considered a “stuffed” measure because it includes several/unrelated changes to criminal law”

HB 2323: Property Crime Value Threshold Increase

HB 2323 increases the value threshold of certain property crimes as follows:

- **Crime of theft** by increasing the threshold to less than \$100 for Theft 3 (previously set at less than \$50), to between \$100 up to \$1000 for Theft 2 (previously more than \$50 and less than \$200 for Theft by receiving and under \$750 in any other case) and to \$1000 or above for Theft 1 (previously \$200 or more in cases of theft by receiving and \$750 or more in any other case)
- **Theft of services** by increasing the threshold to less than \$100 for a Class C misdemeanor, less than \$1000 for a Class A misdemeanor, \$1000 or more for a Class C felony and leaves the threshold of \$10,000 for a Class B felony.
- **Criminal mischief** by increasing the threshold of damage to above \$500 for criminal mischief in the second degree, to above \$1000 for criminal mischief in the first degree.
- **Fraudulent use of a credit card** by increasing the value of property or services obtained to less than \$1000 for a Class A misdemeanor and \$1000 or more for a Class C felony.

VITAL STATISTICS

Effective Date: January 1st, 2010
 2009 ORS Site: Chapter 16



HB 2476: Sex Abuse by Athletic Coach Penalty

HB 2476 enhances the penalty for sex abuse in the second degree when the offender is 21 years or older and is the athletic coach of the minor victim. This measure makes the following two changes to the law related to sex abuse:

- Establishes that conduct that currently constitutes sex abuse in the second degree (a level 7 crime on the sentencing grid block becomes a level 8 offense if the offender is 21 years or older and is the victim's coach.
- Establishes that conduct that currently constitutes sex abuse in the third degree becomes sex abuse in the second degree if the offender was the victim's coach and 21 years or older (a level 7 felony instead of a Class A misdemeanor).

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter



HB 2477: Invasion of Privacy Nudity Definition Change

This bill clarifies the definition of nudity to include any uncovered or less than opaquely covered part of a person's genitalia or female breast. In changing the definition of nudity, the measure removes the requirement that the victim be "post-pubescent". Under current statute, a person could not be convicted of invasion of privacy if the victim is a pre-pubescent child. HB 2477 also provides that the ORS 163.700 does not apply to a visual recording of a person under 12 years of age if:

- The person who makes or records the visual recording is the father, mother, sibling, grandparent, aunt, uncle or first cousin, by blood, adoption or marriage, of the person under 12 years of age; and
- The visual recording is made or recorded for a purpose other than arousing or gratifying the sexual desire of the person or another person.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter

"Current events often result in the passage of legislative measures designed to address a wrong...HB 2476 is an example."

HB 2478: Sex Abuse III for propelling dangerous substance

HB 2478 establishes that a person commits the crime of sexual abuse in the third degree if the person intentionally propels any dangerous substance (blood, urine, semen or feces) at a victim without the consent of the victim for the purpose of arousing or gratifying the sexual desire of the person or another person.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 616

HB 2498: Crime of Endangering Aircraft in 2nd Degree

HB 2498 provides that a person commits:

- The **crime of endangering aircraft in the first degree** if the person knowingly
 1. Throws an object at, or drops an object upon, an aircraft;
 2. Discharges a bow and arrow, gun, airgun or firearm at or toward an aircraft;
 3. Tampers with an aircraft or a part, system, machine or substance used to operate an aircraft in such a manner as to impair the safety, efficiency or operation of an aircraft without the consent of the owner, operator or possessor of the aircraft; or
 4. Places, sets, arms or causes to be discharged a spring gun, trap, explosive device or explosive material with the intent of damaging, destroying or discouraging the operation of [any] an aircraft.
- The **crime of endangering aircraft in the second degree** if the person knowingly:
 - possesses a firearm or deadly weapon in a restricted access area of a commercial service airport that has at least 2 million passenger boardings per calendar year.
 - For purposes of the measure, “restricted access area” means an area of a commercial service airport that is designated as restricted in the airport security program approved by the federal Transportation Security Administration and is marked at points of entry with signs giving notice that access to the area is restricted.
 - This penalty does not apply to a person authorized under federal law or an airport security program to possess a firearm or deadly weapon in a restricted access area.

VITAL STATISTICS

Effective Date: June 17, 2009
2009 ORS Site: Chapter 299



“HB 2498 is a testimony to persistence...after three sessions, this seemingly straightforward measure finally gained passage.”

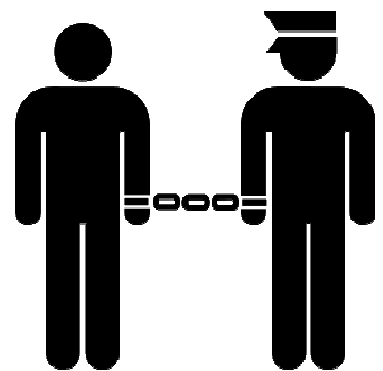
HB 3271: Omnibus Crime Policy Changes

HB 3271 includes the following components:

- elevates the **penalties for harassment** from a Class B misdemeanor to a Class A misdemeanor if: The perpetrator had a previous conviction for harassment and the victim is the same as in the original offense or a family member of the victim of the original offense; the victim is protected by a stalking order; the victim is under 18 years and more than three years younger than the perpetrator; or the perpetrator threatened to kill the victim or a family member. Further, the measure clarifies that the crime occurs either in the county where the threat originated or was received.
- creates the **crime of aggravated harassment** (a Class C felony) as knowingly propelling saliva, blood, urine semen or feces or other dangerous substances at a staff member defined under ORS 163.165 (corrections officer, youth authority staff member or volunteer) or public safety officer (emergency medical technician, firefighter, parole or probation or police officer)
- creates the **crime of aggravated driving while suspended or revoked** defined as causing the serious injury or death of another person while having a suspended or revoked license resulting from a criminal offense and sets the offense as a level 7 on the sentencing guidelines grid.
- 3271 extends the amount of time a county or city has to seek reimbursement from a person committed to a local correctional facility from one year to six years.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter



HB 3505: Knowingly Murdering a Pregnant Woman

HB 3505 requires a person convicted of murdering a pregnant woman, and who knew the victim was pregnant, to be sentenced to life imprisonment without the possibility of release or parole or to life imprisonment (30 years minimum). The measure allows a sentence of life imprisonment with the possibility of release or parole if 10 or more members of the jury find there are sufficient mitigating circumstances to warrant the reduced sentence. HB 3505 further stipulates that a sentence of life imprisonment without the possibility of release or parole in these cases may not be suspended, deferred or commuted by any judicial officer, and the State Board of Parole and Post-Prison Supervision may neither parole the prisoner nor reduce the period of confinement in any manner whatsoever. In addition, The Department of Corrections or any executive official may not permit the prisoner to participate in any sort of release or furlough program. The measure outlines additional sentencing policy related to the crime.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter



HB 3505 also classifies the crime of assault in second degree as assault in first degree if the defendant commits the assault knowing the victim is pregnant and classifies the crime of assault in the fourth degree as a Class C felony if the defendant knows victim is pregnant.

SB 106: OYA Juvenile Justice Grants to Tribes

SB 106 provides that the Oregon Youth Authority may receive applications from, and award funds under a competitive process to, tribes for the administration and provision of services to tribal youth. The services eligible for funding under the measure must be intended to protect the public and reduce juvenile delinquency. For purposes of the measure, "tribal youth" is defined as a member of a tribe who is under 18 years of age (or as defined under ORS 419A.004) and who has more than one of the risk factors identified in ORS 417.855(2)(a) or is demonstrating at-risk behaviors.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 239



SB 251: Taser Addition to Felon in Possession of a Weapon

Modifies the crime of felon in possession of a restricted weapon to include electromuscular disruption technology (tasers).

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 189

SB 570: Metal Theft

SB 570 makes a number of changes in ORS designed to address the continuing metal theft epidemic throughout Oregon. The measure includes the following key sections/components:

- Defines key terms for purposes of the measure including “scrap metal business”, “commercial metal property”, “metal property”, “transaction”, etc.
- Creates new crimes for Unlawfully Altering Metal Property, Making a False Statement on a Metal Property Record and Unlawfully Purchasing or Receiving Metal Property.
- Creates a new crime for Unlawfully Transporting Metal Property and outlines metal transportation certificate provisions/regulations.
- Requires scrap metal businesses to cooperate with law enforcement and to separate, protect, tag and hold property they suspect is lost or stolen.
- Provides exemptions from the requirement of the measure for recyclers of beverage containers or metal food containers, auto dealers, towers and dismantlers who do not purchase, receive or transport private metal property.
- Requires scrap metal businesses to create and maintain metal purchase/transport records for one year and required scrap metal businesses to create and maintain a commercial account before purchasing or receiving metal property from a commercial seller.
- Increases the sentence for Theft in the First Degree or Aggravated Theft in the First Degree when damage to property as the result of the theft involves a “disproportionate Impact”.
- Authorizes the installation or tracking of a mobile tracking device for Unlawfully Transporting Metal Property.
- Establishes a defense to a Charge of “Theft by Receiving”.
- Creates immunity for a landowner when an injury or damage occurs as a result of the theft of metal property.
- Requires each county District Attorney to create a written plan of action that ensures effective communication between law enforcement and the business community.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 880



“For the second consecutive session, metal theft was the criminal penalty focus and priority”

