

CRIMES

See also ANIMALS; CRIMINAL PRO-
CEDURE; ELECTIONS; MOTOR VEHICLES;
PUBLIC HEALTH; TRADE REGULATIONS
AND PRACTICES

Aircraft, damaging or
destroying c.594

Prohibits wilfully damaging or
destroying any aircraft. Provides
penalties. (H 1802)

, watercraft,
unauthorized use c.552

Adds unauthorized taking or use
of watercraft and aircraft to crime
of unauthorized use of vehicle.
Amends ORS 164.670. (H 1851)

Excused

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Child abuse, reporting by
physicians c.472

Extends procedures requiring re-
ports by physicians of physical
abuse to children to include wanton
neglect. Exempts from liability
persons making required reports.
Eliminates husband-wife privilege
in judicial proceedings on child
abuse. Requires Chief Medical In-
vestigator to maintain central files
on child abuse cases to be made
available to law enforcement agen-
cies. Provides penalties. Amends
ORS 146.710, 146.990. Repeals ORS
146.720. (H 1504)

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False financial statements c.454

Prohibits false representation
of financial condition for purposes
of procuring services or credit card.
Amends ORS 165.615. (S 342)

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Jails, damage to prohibited c.453

Prohibits damage to county and
city jail property. Provides penal-
ties. Amends ORS 164.455. (S 263)

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Refrigerators, discarding c.118

Prohibits discarding, in a place
accessible to children, refrigerator
or similar container with door or
lid that cannot be opened easily
from within. Provides penalties.
(H 1337)

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Unlawful entry of dwelling,
exemption c.450

Establishes reasonable belief of
lawfulness of entry as defense to
charge of unlawful entry. Amends ORS
164.462. (S 217)

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CRIMINAL PROCEDURE

See also CRIMES; MOTOR VEHICLES;
STATE INSTITUTIONS

Defendants, mentally retarded c.551

Permits court in criminal cases to require care other than institutionalization for mentally retarded defendants. Amends ORS 135.160. (H 1832)

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release on own
recognizance c.447

Permits court to release defendant on his own recognizance in lieu of bail. Provides penalties for failure to appear as ordered by court. (S 78)

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Information, arrest,
preliminary examination c.508

Clarifies definition of "information". Provides procedure for notifying magistrate issuing warrant of arrest of defendant and his posting bail in another county. Requires magistrate to inform defendant of right to preliminary examination and to allow defendant use of telephone to obtain counsel. Revises procedures for subpoenas for preliminary examination. Amends and repeals sections in ORS chapter 133. Amends ORS 140.040. (S 314)

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Penalties, fines, inability
of defendant to pay VETOED

Directs court to inform defendant of rights as pauper at time of sentence to pay a fine. Permits court to release pauper defendant upon completion of imprisonment, if any. Repeals and enacts in lieu of ORS 169.160. Vetoed by Governor; will be reconsidered at next legislative session. (S 72)

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habitual criminals VETOED

Makes enhanced penalties for subsequent felony convictions discretionary with court. Amends ORS 168.035. Vetoed by Governor; will be reconsidered at next legislative session. (S 153)

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Sentencing, felonies,
imposition of fine c.516

Establishes fine of \$500 in addition to imprisonment, for felonies not otherwise punishable by fine. (S 406)

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presentence report c.400

Authorizes courts, in sentencing, to use probation officers' presentence investigation reports. Permits courts to furnish reports to defendant's counsel and state. Amends ORS 137.090. (S 311)

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probation, condition
of jail confinement c.346

Authorizes courts, in criminal cases, to include period of jail confinement as condition of probation. Amends ORS 137.540, 137.550, 169.110. (S 317)

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Service of subpoena c.418

Permits service of subpoena in criminal case by delivery only and deletes reading requirement. Amends ORS 139.100. (H 1416)

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1967

CRIMES AND CRIMINAL PROCEDURE

See also BOATS; CORRECTIONS;
DRUGS; ELECTIONS; FISH AND GAME;
LIQUOR; PROPERTY

Criminal Law Revision
Commission

SB c.575
212

Creates Criminal Law Revision Commission to complete revision of criminal law for Fifty-sixth Legislative Assembly. Appropriates \$40,000. Eff. 1 Jul. 67.

Criminal procedure, appeals,
inferior court judgments

c.528
HB 1571

Permits defendant to appeal criminal judgment from inferior court whether or not fine or imprisonment is imposed.

, counsel, court
appointment

c.475
HB 1404

Includes probation revocation as grounds for court appointment of counsel. Requires appointments of counsel to continue through all stages of criminal proceedings unless otherwise ordered. Authorizes court to substitute one appointed counsel for another and to terminate appointment or require partial payment, if defendant is found able to pay expenses. Authorizes court to appoint counsel after proceedings commenced if defendant is found unable to pay personally retained counsel.

Criminal procedure (cont.)

, counsel, fee

HB c.528
1632

Increases statutory fees for appointed counsel. Authorizes excess payment in special circumstances. Authorizes payment of some investigative expenses. Eff. 1 Jan. 69.

Crime Control
Coordinating Council

SB c.572
107

Establishes experimental crime prevention section in Corrections Division. Creates Crime Control Coordinating Council consisting of certain heads of state agencies and officials dealing with causes and prevention of crime and delinquency. Directs council to assist Governor in developing, planning and carrying out statewide crime and delinquency program. Eff. 1 Jul. 67.

Crimes, Animals,
unauthorized use or
possession

c.351
SB 112

Adds cow to animals for which unauthorized use or possession is prohibited.

, coin-operated
devices, opening or
damaging

c.332
SB 302

Extends prohibition against opening, removing or damaging coin telephones to include parking meters and vending machines. Prohibits possession of a key or device to open or break a parking meter or coin telephone, and possession of a drawing, print or mold of such a key or device. Increases penalty.

, hay, transportation,
ownership

c.378
HB 1333

Requires person transporting hay on a public highway to possess evidence of ownership of hay. Exempts transportation of hay by producer or his agents. Provides penalties.

, metals, dealers,
reporting certain
transactions

c.243
HB 1236

Requires metal dealers to keep records of sales or purchases except those made by or from manufacturers or distributors. Provides penalty.

CRIMES AND CRIMINAL PROCEDURE
(cont.)

Crimes (cont.)

_____, motor vehicles,
injuring or interfering
with

c.390
HB 1602

Makes wilful injury to or
interference with operation of a
motor vehicle a misdemeanor.

_____, telephone misuse

c.109
HB 1274

Prohibits making of obscene,
harassing, or abusive telephone
calls. Provides penalties.
Eff. 6 Apr. 67.

Sentencing, death penalty,
obsolete provisions

c.372
HB 1313

Deletes numerous obsolete
statutory references to death
penalty, which was abolished in
1964.

_____, habitual criminals

c.358
SB 253

Provides that imposition of en-
hanced penalty for habitual crim-
inals is discretionary with the
court. Eff. 6 Jun. 67.

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Arrests

1074
c.244

Provides for issuance of certain citations in lieu of taking person into custody where person is subject to arrest on misdemeanor charge or on felony charge which may be deemed misdemeanor after sentence is imposed.

Domestic animals

1559
c.517

Provides penalties for persons who negligently wound domestic animals or fowl.

Drugs, marijuana and dangerous drugs

1838
c.310

Provides penalties for unlawfully possessing, selling, dispensing or compounding marijuana or dangerous drugs. Prohibits use of marijuana or such drugs. Deletes mandatory jail sentence for use of narcotics. Eff. 3 Jun. 69.

Evidence, alibi

1665
c.293

Requires defendant to notify district attorney, in specified manner, five days in advance of trial, if defendant intends to rely on alibi evidence.

Suppression

1707
c.529

Authorizes state to appeal from any order, made prior to trial, suppressing evidence.

Firearms, Deschutes County

69
c.351

Prohibits any person, with exceptions, from discharging firearms within specified area of Deschutes County.

Federal law

SJM 10

Memorializes Congress to remove certain restrictions on acquisition, possession and use of firearms and ammunition from Gun Control Act of 1968.

Firearms (cont.)

public places

528
c.705

Prohibits possession by any unauthorized person of destructive device or loaded firearm on his person in or on public building. Permits peace officers to examine firearm possessed by any person and makes refusal of such examination adequate grounds for arrest. Provides penalties.

purchase

1589
c.289

Permits Oregon resident to obtain such firearms in contiguous state, if such purchase does not violate laws of state of purchase, this state or U.S. Limits application and duration of Act. Eff. 3 Jun. 69.

Fraud, construction loans

1595
c.290

Prohibits making of false statement to obtain construction loan funds and misuse of such funds. Provides penalties.

Gambling

1664
c.528

Changes penalty for book-making on race meets from misdemeanor to felony.

Hunting

1105
c.501

Changes existing penalties for and authorizes in addition revocation of hunting license for person convicted of shooting upon or across public ways and denial of such license in next year or conviction of trespass upon inclosed lands of another while hunting, and confiscation and forfeiture of weapon used in such violations.

Interstate agreement, detainers

155
c.362

Adopts such interstate agreement on disposition of charges against prisoners detained in other jurisdictions.

Larceny, hay

1578
G.C.C.

Requires any person, transporting hay on public highway, to carry evidence of transportation authority.

Littering

1414
c.511

Increases penalty for littering public highways to \$500 and for littering in or about waters and lands to fine of \$500 or 30 days imprisonment in county jail, or both. Requires persons sentenced to imprisonment for littering to work as a "litter patrol" for not less than one day nor more than five days. Prohibits drivers from permitting dangerous litter to be thrown from vehicles, exempting certain common carriers. Permits persons fined for such offenses to clear rubbish from public ways for \$25 daily credit on such fines. Requires counties to offer rewards not to exceed \$250 for aid in arrest and conviction of violators.

Obscenity statutes

1051
c.169

Exempts employe of movie theater from prosecution under obscenity statutes, if he possesses with intent to exhibit or exhibits any obscene motion picture at public showing while acting within scope of his regular employment.

Prostitution

1215
c.404

Requires person convicted of certain prostitution offenses to serve at least 90 days actual confinement. Removes possible penalty of both fine and imprisonment.

Public property

1880
c.652

Permits Governor to proclaim emergency period, if clear and present danger of damage to public property or injury to persons exists. Provides for exclusion from affected public property of all persons who aggravate or contribute to emergency and

CRIMES AND CRIMINAL PROCEDURE
See also CORRECTIONS; COURTS
AND JUDGES; ELECTIONS; MENTAL
HEALTH

CRIMES AND CRIMINAL PROCEDURE
(cont.)

Public property (cont.)

provides for police enforcement. Provides immediate judicial review of removal or exclusion order. Provides penalties for persons remaining upon or refusing to vacate property after police notice. Eff. 16 Jun. 69.

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Sexual perversion

1897
c.655

Prohibits acts of sexual perversion with or upon children under 18 years of age, excepting acts between persons married to each other. Provides penalties.

✓CRIMES AND CRIMINAL PROCEDURE

Animals, cruelty to c.596
SB 593

Prohibits cruelty to any animal. Prohibits confining animal for 36 hours without adequate food or water. Allows peace officer to enter premises and impound animal so confined. Establishes exemptions and defense to charge of violation. Provides penalties.

Appeals, pre-trial orders c.644
HB 1003

Authorizes state to appeal from pre-trial order dismissing indictment and, in district and justice courts, to appeal from pre-trial order dismissing complaint or information, sustaining plea of former conviction or acquittal, arresting judgment or suppressing evidence.

Bench warrants c.423
HB 1535

Requires that bench warrant be addressed to any peace officer in state rather than to sheriff. Authorizes justice courts to cause bail forfeiture and to issue warrant for arrest for failure to appear.

Citation, littering. c.404
HB 1038

Establishes form of citations for violations of litter laws. Extends authority of Minor Court Rules Committee to littering offenses. Deletes "Litter Patrol" arm-bands requirement. Eff. 1 Jan. 72.

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uniform c.388
SB 297

Authorizes uniform form for citations for violations of traffic boating, game and commercial fishing laws. Eff. 1 Jul. 72.

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Convictions, set aside c.434
HB 1802

Authorizes court to set aside conviction of first offender for class C felony or misdemeanor, other than traffic law violation, after expiration of three years during which offender has not committed other offenses.

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Counsel, appointed, fees c.677
HB 1548

Fixes minimum fee schedule for compensation of appointed counsel and allows fair compensation to be paid by county. Subjects court assessment to approval by county governing body.

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Criminal Code c.743
SB 40

Enacts new criminal code. Establishes principles of criminal liability, justification, responsibility, defense of persons and property. Establishes new provisions relating to attempts, solicitation and conspiracy. Adopts offense classification system for felonies, misdemeanors and noncriminal violations, and establishes

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Criminal Code (cont.)

range of penalties for each class. Creates new provisions regarding fines and costs for individual and corporate defendants. Provides new sentencing options for courts, including discharge of defendant in appropriate cases. Repeals habitual criminal act and other existing statutes regarding enhanced penalties. Sets forth criteria for increased penalties for dangerous offenders. Abolishes degree distinction in crime of murder and modifies felony murder doctrine. Creates new provisions relating to assault and kidnapping. Abolishes criminal penalties for private sexual conduct between consenting adults. Creates comprehensive theft statute and eliminates technical distinctions between certain related crimes. Creates new provisions regarding burglary, trespass, arson, robbery, forgery and commercial offenses. Creates new provisions relating to obscenity and gambling offenses. Makes narcotics and dangerous drug offenses part of criminal code. Provides that first conviction for possession of less than one ounce of marijuana is Class A misdemeanor. Establishes offense of fraudulent sale of imitation drugs. Declares that furnishing drugs by person over 18 years to person under 18 years, where three years or more age difference, is Class A felony. Makes other substantive changes and modifications in criminal law and conforms other related statutes to criminal code. Eff. 1 Jan. 72.

Criminal Law Revision Commission c.383
SB 130

Continues commission until 30 Jun. 73. Eff. 15 Jun. 71.

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Fines, police training c.328
HB 1179

Requires additional assessment of \$1 to \$5 on every fine and bail forfeiture, except parking ordinances, to be credited to Police Standards and Training Account. Requires Board on Police Standards and Training to provide reimbursement program to local units which maintain board-certified academies. Eff. 1 Jul. 71.

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Games of chance c.659
HB 1355

Permits operation of certain games of chance by charitable organizations when played for tokens redeemable only in merchandise when value of tokens purchasable in 24-hour period limited to \$10 and tokens generally not redeemable on premises or within 50 miles thereof. Eff. 30 Jun. 71.

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Horses, sale of c.175
HB 1621

Prohibits sale of horse sedated for purpose of sale without consent of buyer. Provides misdemeanor penalty and authorizes buyer to bring action for damages and attorney fees.

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Indictments c.286
HB 1331

Reduces time within which indictment may be found after arrest from 60 days to 30.

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Legislature, disruptions c.276
HB 1172

Makes conduct in or near legislature or committee thereof with intention of disrupting its procedures a misdemeanor. Eff. 4 Jun. 71.

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Pre-trial detention, limit c.323
HB 1533

Requires schedule of trial dates for criminal defendants incarcerated pending trial to avoid unreasonable delay. Requires trial or release from custody within 60 days of arrest. Does not apply to persons charged with certain crimes and prisoners serving sentence for previous offense. Allows extensions for specified causes. Requires appeal from municipal, justice or district court be heard within 60 days after notice of appeal. Eff. 1 Jan. 72.

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Witnesses, testimony, production of evidence c.266
HB 1004

Requires court in specified situations to order witness before court of record or grand jury to testify or produce evidence, although witness claims privilege against self-incrimination, and to grant witness immunity from prosecution regarding testimony or evidence.

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1971

AND CRIMINAL PROCEDURE

Also CONSTITUTION; CORRECTIONS

Prisoners, return of out-of-state prisoners, procedure A c. 632 SB 845

Requires district attorney to advise Governor when prisoner in or state requests to be returned for trial. Specifies institution to be included in notice to Governor. Requires Governor to send written direction to district attorney within 10 days either to approve or disapprove. Requires district attorney to act as directed. Reserves officer of jurisdiction in untried accusatory instrument pending against prisoner in or state and who desires to return prisoner returned for trial to notice and summary of evidence sent to prisoner to Governor in stated manner. Requires Governor to send written direction within 10 days approving or disapproving return of prisoner. Eff. 21 July 73.

Appointment A c. 32 SB 338

Permits Governor to appoint members of his legal staff to perform appointment functions during absence of Governor from state. Requires appointment to be in writing filed with Secretary of State. Eff. 25 Apr. 73.

Bail forfeiture, police standards and training A c. 346 SB 125

Requires Police Standards and Training Account payments due from fines and bail forfeitures to be paid to Department of Revenue rather than State Treasurer.

Gaming, social games N c. 788 SB 803

Exempts social games from definition

Gambling, social games (cont.)

Prohibits gambling. Permits cities and counties to prohibit, regulate, limit or license playing or conducting of social games.

Hay, unlawful transportation A c. 445 SB 451

Allows persons to transport 20 or fewer bales of hay without having to obtain transportation certificate.

Hunting in cemeteries A c. 468 SB 602

Prohibits hunting in cemeteries.

Hypnotism, exhibition A c. 316 SB 2724

Prohibits exhibiting, for purpose of entertainment, person in trance, sleep or entire or partial unconsciousness which was induced by hypnotism, mesmerism or any other form of exertion of will power or suggestion of another person over such subject. Provides penalties.

Law enforcement agencies, reporting A c. 130 SB 613

Requires all law enforcement agencies to report statistics concerning crimes to Executive Department as directed by department and Governor. Requires Executive Department to prepare quarterly and annual reports, and special reports as directed by Governor. Creates Law Enforcement Data System Account in General Fund to replace police network system account and appropriates funds necessary to the account from the Motor Vehicle Division Account. Eff. 1 July 73.

Livestock, theft c. 405 SB 2194

Adds theft of livestock animal to categories included in crime of theft in first degree.

Marijuana, felony conviction set-aside c. 689 SB 48

Authorizes setting aside of certain convictions for possession of marijuana when that crime was punishable as felony only. Eff. 22 July 73.

Marijuana, penalties, conviction set-aside (cont.) N c. 680 SB 2936

Reduces classification of crime of possession of less than one avoirdupois ounce of marijuana to violation punishable by fine of not more than \$100. Reduces crime of criminal use of drugs, where use is of marijuana, to violation punishable by fine of not more than \$100. Expands provision permitting records to be sealed and conviction set aside to include a conviction of violation.

Mental disease or defect, acquittal, supervised release A c. 137 SB 2114

Authorizes court, upon acquittal in criminal proceeding of person by reason of mental disease or defect to release such person on supervision and to appoint any person or state, county or local agency court considers capable of supervising such person on release pursuant to direction of court.

Mistreatment, criminal A c. 627 SB 780

Creates crimes of criminal mistreatment in first and second degree for violation of legal duty to provide care for another person.

Obscenity, live public shows, material dissemination, prostitution A c. 699 SB 708

Prohibits persons from knowingly engaging in sadomasochistic abuse or sexual conduct in live public show. Prohibits persons from knowingly directing, managing, financing or presenting live public show in which participants engage in sadomasochistic abuse or sexual conduct. Prohibits persons from disseminating obscene material. Expands definition of prostitute to include male or female who engages in sexual contact for fee. Provides that person commits crime of prostitution by engaging in or offering to engage in sexual contact for fee or by offering or agreeing to pay fee to engage in sexual conduct or sexual contact.

Ocean shore recreation areas, discharging firearms A c. 196 SB 397

Prohibits discharge of firearm or other weapon upon or across ocean shore within state recreation area. Exempts military personnel within confines of military reservation as well as peace officers in performance of their duty.

Pretrial hearing A c. 550 SB 2528

Provides for pretrial omnibus hearing for determination of specified matters in circuit court criminal prosecution.

Procedure code N c. 836 SB 80

Enacts criminal procedure code. Adopts new provisions relating to time limitations, jurisdiction and venue. Adopts compulsory joinder test for former jeopardy and provides for raising former jeopardy defense by motion instead of by plea. Establishes statutory standards for stopping and investigating suspicious persons by peace officers. Revises arrest and search and seizure procedures. Amends Uniform Criminal Extradition Act. Repeals existing bail statutes and enacts new criteria for release on recognizance, conditional release and security release of defendants. Provides for plea of no contest. Adopts provisions relating to plea discussion and agreement and sets standards for negotiated pleas. Adopts new provisions relating to pre-trial discovery of evidence. Adopts new provisions relating to grand jury and criminal trial jury. Amends existing statutes relating to parole, probation, work release and executive clemency. Makes other substantive and topical changes in criminal law and procedure. Amends and conforms related statutes. Provides penalties. Eff. 1 Jan. 74.

Prostitution A c. 52 SB 148

Provides that person commits crime of prostitution if he pays or offers or agrees to pay fee to engage in sexual conduct.

CRIMES AND CRIMINAL PROCEDURE
(cont.)

Railroad trains, discharging fire-
arms, throwing objects A c. 139
HB 2151

Prohibits throwing of objects or discharging of bow and arrow or fire-arms at railroad trains. Provides penalties.

Sound recordings, reproduction,
sale A c. 747
HB 3160

Prohibits reproduction for sale, advertising for sale, offering for sale and sale of any sound recording without written consent of owner of master recording.

Telephone solicitations A c. 473
SB 636

Prohibits telephone solicitation of money or other thing of value for charitable purpose unless parties to call are personally known to each other or person making call meets specified criteria. Exempts solicitations on behalf of hospitals or certain other nonprofit organizations. Allows city or county to enact ordinances that are more strict.

Theft of services, fraudulent com-
munications devices, criminal mis-
chief, credit cards A c. 133
HB 2677

Modifies provision prohibiting theft of services to make crime Class C felony if aggregate total amount of services person obtains or attempts to obtain is \$200 or more or Class A misdemeanor if such total amount is under \$200. Creates new provisions relating to theft of services. Creates new crime prohibiting possession of fraudulent communications device and provides penalty. Expands existing provisions relating to criminal mischief and fraudulent use of credit card. Eff. 1 July 73.

Weapons, slugging, stabbing, sap
gloves A c. 746
HB 3142

Includes sap glove in prohibition against manufacturing, selling, carrying or possessing certain slugging or stabbing weapons. Revises penalties to make crime Class A misdemeanor. Provides that provision relating to sale or manufacture of sap gloves not

Weapons, slugging, stabbing, sap
gloves (cont.)

apply to persons manufacturing sap gloves on May 1, 1973, for export out of state. Deletes authority of persons assisting peace officers under certain circumstances to use black-jack or billy. Restricts use of sap gloves by peace officers.