

Senate Bill 340

Sponsored by Senator JOHNSON (at the request of Tillamook County Sheriff's Department) (Pre-session filed.)

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**.

Creates crime of hindering prosecution in the second degree. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; amending ORS 131.315, 162.325, 162.345 and 166.715; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 162.225 to**
6 **162.375.**

7 **SECTION 2. (1) A person commits the crime of hindering prosecution in the second de-**
8 **gree if, with intent to hinder the apprehension, prosecution, conviction or punishment of a**
9 **person who has committed a crime punishable as a misdemeanor, or with the intent to assist**
10 **a person who has committed a crime punishable as a misdemeanor in profiting or benefiting**
11 **from the commission of the crime, the person:**

12 (a) Harbors or conceals the person who committed the crime;

13 (b) Warns the person who committed the crime of impending discovery or apprehension;

14 (c) Provides or aids in providing the person who committed the crime with money,
15 transportation, weapon, disguise or other means of avoiding discovery or apprehension;

16 (d) Prevents or obstructs, by means of force, intimidation or deception, anyone from
17 performing an act that might aid in the discovery or apprehension of the person who com-
18 mitted the crime;

19 (e) Suppresses by any act of concealment, alteration or destruction physical evidence
20 that might aid in the discovery or apprehension of the person who committed the crime; or

21 (f) Aids the person who committed the crime in securing or protecting the proceeds of
22 the crime.

23 (2) Hindering prosecution in the second degree is a Class A misdemeanor.

24 **SECTION 3. ORS 162.325 is amended to read:**

25 162.325. (1) A person commits the crime of hindering prosecution **in the first degree** if, with
26 intent to hinder the apprehension, prosecution, conviction or punishment of a person who has com-
27 mitted a crime punishable as a felony, or with the intent to assist a person who has committed a
28 crime punishable as a felony in profiting or benefiting from the commission of the crime, the person:

29 (a) Harbors or conceals [*such*] **the person who committed the crime**; [*or*]

30 (b) Warns [*such*] **the person who committed the crime** of impending discovery or apprehension;
31 [*or*]

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) Provides or aids in providing [*such*] **the person who committed the crime** with money,
2 transportation, weapon, disguise or other means of avoiding discovery or apprehension; [*or*]

3 (d) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing
4 an act [*which*] **that** might aid in the discovery or apprehension of [*such*] **the person who committed**
5 **the crime**; [*or*]

6 (e) Suppresses by any act of concealment, alteration or destruction physical evidence [*which*]
7 **that** might aid in the discovery or apprehension of [*such*] **the person who committed the crime**;
8 or

9 (f) Aids [*such*] **the person who committed the crime** in securing or protecting the proceeds
10 of the crime.

11 (2) Hindering prosecution **in the first degree** is a Class C felony.

12 **SECTION 4.** ORS 162.345 is amended to read:

13 162.345. It is no defense to a prosecution for hindering prosecution **in the first degree,**
14 **hindering prosecution in the second degree** or compounding that the principal offender is not
15 apprehended, prosecuted, convicted or punished.

16 **SECTION 5.** ORS 166.715 is amended to read:

17 166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

18 (1) “Documentary material” means any book, paper, document, writing, drawing, graph, chart,
19 photograph, phonograph record, magnetic tape, computer printout, other data compilation from
20 which information can be obtained or from which information can be translated into usable form,
21 or other tangible item.

22 (2) “Enterprise” includes any individual, sole proprietorship, partnership, corporation, business
23 trust or other profit or nonprofit legal entity, and includes any union, association or group of indi-
24 viduals associated in fact although not a legal entity, and both illicit and licit enterprises and gov-
25 ernmental and nongovernmental entities.

26 (3) “Investigative agency” means the Department of Justice or any district attorney.

27 (4) “Pattern of racketeering activity” means engaging in at least two incidents of racketeering
28 activity that have the same or similar intents, results, accomplices, victims or methods of commis-
29 sion or otherwise are interrelated by distinguishing characteristics, including a nexus to the same
30 enterprise, and are not isolated incidents, provided at least one of such incidents occurred after
31 November 1, 1981, and that the last of such incidents occurred within five years after a prior inci-
32 dent of racketeering activity. Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other
33 provision of law providing that a previous prosecution is a bar to a subsequent prosecution, conduct
34 that constitutes an incident of racketeering activity may be used to establish a pattern of
35 racketeering activity without regard to whether the conduct previously has been the subject of a
36 criminal prosecution or conviction or a juvenile court adjudication, unless the prosecution resulted
37 in an acquittal or the adjudication resulted in entry of an order finding the youth not to be within
38 the jurisdiction of the juvenile court.

39 (5) “Person” means any individual or entity capable of holding a legal or beneficial interest in
40 real or personal property.

41 (6) “Racketeering activity” includes conduct of a person committed both before and after the
42 person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to
43 commit, or to solicit, coerce or intimidate another person to commit:

44 (a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following
45 provisions of the Oregon Revised Statutes:

- 1 (A) ORS 59.005 to 59.451, 59.710 to 59.830, 59.991 and 59.995, relating to securities;
- 2 (B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;
- 3 (C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365 **and section 2 of this**
- 4 **2013 Act**, relating to obstructing governmental administration;
- 5 (D) ORS 162.405 to 162.425, relating to abuse of public office;
- 6 (E) ORS 162.455, relating to interference with legislative operation;
- 7 (F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;
- 8 (G) ORS 163.160 to 163.205, relating to assault and related offenses;
- 9 (H) ORS 163.225 and 163.235, relating to kidnapping;
- 10 (I) ORS 163.275, relating to coercion;
- 11 (J) ORS 163.665 to 163.693, relating to sexual conduct of children;
- 12 (K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.098, 164.125, 164.135,
- 13 164.140, 164.215, 164.225 and 164.245 to 164.270, relating to theft, burglary, criminal trespass and
- 14 related offenses;
- 15 (L) ORS 164.315 to 164.335, relating to arson and related offenses;
- 16 (M) ORS 164.345 to 164.365, relating to criminal mischief;
- 17 (N) ORS 164.395 to 164.415, relating to robbery;
- 18 (O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of a
- 19 recording;
- 20 (P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and
- 21 related offenses;
- 22 (Q) ORS 165.080 to 165.109, relating to business and commercial offenses;
- 23 (R) ORS 165.540 and 165.555, relating to communication crimes;
- 24 (S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470, relating
- 25 to firearms and other weapons;
- 26 (T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.057,
- 27 167.062 to 167.080, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365,
- 28 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, sexual conduct, gambling,
- 29 computer crimes involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting
- 30 bird and related offenses;
- 31 (U) ORS 171.990, relating to legislative witnesses;
- 32 (V) ORS 260.575 and 260.665, relating to election offenses;
- 33 (W) ORS 314.075, relating to income tax;
- 34 (X) ORS 180.440 (2) and 180.486 (2) and ORS chapter 323, relating to cigarette and tobacco
- 35 products taxes and the directories developed under ORS 180.425 and 180.477;
- 36 (Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments, and ORS
- 37 411.990 (2) and (3);
- 38 (Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;
- 39 (AA) ORS 463.995, relating to boxing, mixed martial arts and entertainment wrestling, as defined
- 40 in ORS 463.015;
- 41 (BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405, 471.425, 471.442, 471.445,
- 42 471.446, 471.485, 471.490 and 471.675, relating to alcoholic liquor, and any of the provisions of ORS
- 43 chapter 471 relating to licenses issued under the Liquor Control Act;
- 44 (CC) ORS 475.005 to 475.285 and 475.752 to 475.980, relating to controlled substances;
- 45 (DD) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to explosives;

- 1 (EE) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;
 2 (FF) ORS 658.452 or 658.991 (2) to (4), relating to farm labor contractors;
 3 (GG) ORS chapter 706, relating to banking law administration;
 4 (HH) ORS chapter 714, relating to branch banking;
 5 (II) ORS chapter 716, relating to mutual savings banks;
 6 (JJ) ORS chapter 723, relating to credit unions;
 7 (KK) ORS chapter 726, relating to pawnbrokers;
 8 (LL) ORS 166.382 and 166.384, relating to destructive devices;
 9 (MM) ORS 165.074;
 10 (NN) ORS 86A.095 to 86A.198, relating to mortgage bankers and mortgage brokers;
 11 (OO) ORS chapter 496, 497 or 498, relating to wildlife;
 12 (PP) ORS 163.355 to 163.427, relating to sexual offenses;
 13 (QQ) ORS 166.015, relating to riot;
 14 (RR) ORS 166.155 and 166.165, relating to intimidation;
 15 (SS) ORS chapter 696, relating to real estate and escrow;
 16 (TT) ORS chapter 704, relating to outfitters and guides;
 17 (UU) ORS 165.692, relating to making a false claim for health care payment;
 18 (VV) ORS 162.117, relating to public investment fraud;
 19 (WW) ORS 164.170 or 164.172;
 20 (XX) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;
 21 (YY) ORS 164.886;
 22 (ZZ) ORS 167.312 and 167.388;
 23 (AAA) ORS 164.889;
 24 (BBB) ORS 165.800; or
 25 (CCC) ORS 163.263, 163.264 or 163.266.
 26 (b) Any conduct defined as “racketeering activity” under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).
 27 (7) “Unlawful debt” means any money or other thing of value constituting principal or interest
 28 of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred
 29 or contracted:
 30 (a) In violation of any one of the following:
 31 (A) ORS chapter 462, relating to racing;
 32 (B) ORS 167.108 to 167.164, relating to gambling; or
 33 (C) ORS 82.010 to 82.170, relating to interest and usury.
 34 (b) In gambling activity in violation of federal law or in the business of lending money at a rate
 35 usurious under federal or state law.
 36 (8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute
 37 in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions
 38 from what the statute was when this section was enacted, the reference shall extend to and include
 39 amendments to the statute.
 40 **SECTION 6.** ORS 131.315 is amended to read:
 41 131.315. (1) If conduct constituting elements of an offense or results constituting elements of an
 42 offense occur in two or more counties, trial of the offense may be held in any of the counties con-
 43 cerned.
 44 (2) If a cause of death is inflicted on a person in one county and the person dies therefrom in
 45 another county, trial of the offense may be held in either county.

1 (3) If the commission of an offense commenced outside this state is consummated within this
 2 state, trial of the offense shall be held in the county in which the offense is consummated or the
 3 interest protected by the criminal statute in question is impaired.

4 (4) If an offense is committed on any body of water located in, or adjacent to, two or more
 5 counties or forming the boundary between two or more counties, trial of the offense may be held in
 6 any nearby county bordering on the body of water.

7 (5) If an offense is committed in or upon any railroad car, vehicle, aircraft, boat or other
 8 conveyance in transit and it cannot readily be determined in which county the offense was com-
 9 mitted, trial of the offense may be held in any county through or over which the conveyance passed.

10 (6) If an offense is committed on the boundary of two or more counties or within one mile
 11 thereof, trial of the offense may be held in any of the counties concerned.

12 (7) A person who commits theft, burglary or robbery may be tried in any county in which the
 13 person exerts control over the property that is the subject of the crime.

14 (8) If the offense is an attempt or solicitation to commit a crime, trial of the offense may be held
 15 in any county in which any act that is an element of the offense is committed.

16 (9) If the offense is criminal conspiracy, trial of the offense may be held in any county in which
 17 any act or agreement that is an element of the offense occurs.

18 (10) A person who in one county commits an inchoate offense that results in the commission of
 19 an offense by another person in another county, or who **in one county** commits the crime of
 20 hindering prosecution [*of the principal offense*] **in the first degree or hindering prosecution in the**
 21 **second degree when the principal offense was committed in another county**, may be tried in
 22 either county.

23 (11) A criminal nonsupport action may be tried in any county in which the dependent child is
 24 found, irrespective of the domicile of the parent, guardian or other person lawfully charged with
 25 support of the child.

26 (12) If the offense is theft, forgery or identity theft and the offense consists of an aggregate
 27 transaction involving more than one county, trial of the offense may be held in any county in which
 28 one of the acts of theft, forgery or identity theft was committed.

29 (13) When a prosecution is for violation of the Oregon Securities Law, the trial of the offense
 30 may be held in the county in which:

31 (a) The offer to purchase or sell securities took place or where the sale or purchase of securities
 32 took place; or

33 (b) Any act that is an element of the offense occurred.

34 (14) When a prosecution under ORS 165.692 and 165.990 or 411.675 and 411.990 (2) and (3) in-
 35 volves Medicaid funds, the trial of the offense may be held in the county in which the claim was
 36 submitted for payment or in the county in which the claim was paid.

37 (15)(a) If the offense is stalking under ORS 163.732 and involves contacts as defined in ORS
 38 163.730 in more than one county, trial of the offense may be held in any county in which a contact
 39 occurred.

40 (b) If the offense is violating a court's stalking protective order under ORS 163.750, trial of the
 41 offense may be held in the county in which the defendant engaged in conduct prohibited by the order
 42 or in the county in which the order was issued.

43 **SECTION 7. Section 2 of this 2013 Act and the amendments to ORS 131.315, 162.345 and**
 44 **166.715 by sections 4 to 6 of this 2013 Act apply to conduct occurring on or after the effective**
 45 **date of this 2013 Act.**

1 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **on its passage.**

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