

House Bill 2317

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon District Attorneys Association)

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**.

Provides that venue is proper in county in which victim resides for specified offenses, and in any county in which one offense was committed when defendant is charged with committing two or more property offenses against same victim within 180 days.

Authorizes reimbursement for cleaning expenses related to death of person as part of crime victims' compensation program.

Expands crime of coercion to include using physical force to cause person to move, or prevent person from moving, from one place to another. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; amending ORS 131.315, 131.325, 147.005, 147.035, 163.275
3 and 419C.349; and prescribing an effective date.

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

5 **SECTION 1.** ORS 131.315 is amended to read:

6 131.315. (1) If conduct constituting elements of an offense or results constituting elements of an
7 offense occur in two or more counties, trial of the offense may be held in any of the counties con-
8 cerned.

9 (2) If a cause of death is inflicted on a person in one county and the person dies therefrom in
10 another county, trial of the offense may be held in either county.

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

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

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

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

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

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

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

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 (10) A person who in one county commits an inchoate offense that results in the commission of
 2 an offense by another person in another county, or who commits the crime of hindering prosecution
 3 of the principal offense, may be tried in either county.

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

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

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

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

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

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

18 (15)(a) If the offense is stalking under ORS 163.732 and involves contacts as defined in ORS
 19 163.730 in more than one county, trial of the offense may be held in any county in which a contact
 20 occurred.

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

24 **(16) If two of more of the following offenses, in any combination, are committed by the**
 25 **defendant against the same victim within a 180-day period, the offenses may be tried in any**
 26 **county in which one of the offenses was committed:**

27 **(a) Theft in the second degree under ORS 164.045;**

28 **(b) Theft in the first degree under ORS 164.055;**

29 **(c) Aggravated theft in the first degree under ORS 164.057;**

30 **(d) Unauthorized use of a vehicle under ORS 164.135;**

31 **(e) Mail theft or receipt of stolen mail under ORS 164.162;**

32 **(f) Burglary in the second degree under ORS 164.215;**

33 **(g) Burglary in the first degree under ORS 164.225;**

34 **(h) Computer crime under ORS 164.377;**

35 **(i) Robbery in the third degree under ORS 164.395;**

36 **(j) Robbery in the second degree under ORS 164.405;**

37 **(k) Robbery in the first degree under ORS 164.415;**

38 **(L) Forgery in the second degree under ORS 165.007;**

39 **(m) Forgery in the first degree under ORS 165.013;**

40 **(n) Criminal possession of a forged instrument in the second degree under ORS 165.017;**

41 **(o) Criminal possession of a forged instrument in the first degree under ORS 165.022;**

42 **(p) Fraudulent use of a credit card under ORS 165.055;**

43 **(q) Identity theft under ORS 165.800;**

44 **(r) Aggravated identity theft under ORS 165.803;**

45 **(s) Possession of a stolen vehicle under ORS 819.300; or**

1 **(t) An attempt to commit an offense listed in paragraphs (a) to (s) of this subsection.**

2 **SECTION 2.** ORS 131.325 is amended to read:

3 131.325. If an offense is committed within the state and it cannot readily be determined within
 4 which county the commission took place, or a statute that governs conduct outside the state is vi-
 5 olated, trial may be held in the county in which the defendant resides, **the county in which the**
 6 **victim resides** or, if the defendant has no fixed residence in this state, in the county in which the
 7 defendant is apprehended or to which the defendant is extradited.

8 **SECTION 3.** ORS 147.005 is amended to read:

9 147.005. As used in ORS 147.005 to 147.367 unless the context requires otherwise:

10 (1) "Applicant" means:

11 (a) Any victim of a compensable crime who applies to the Department of Justice for compen-
 12 sation under ORS 147.005 to 147.367;

13 (b) Any person who was a dependent of a deceased victim at the time of the death of that victim;

14 (c) Any person who is a survivor of a deceased victim; or

15 (d) Any person eligible for compensation under ORS 147.025.

16 (2) "Board" means the Workers' Compensation Board.

17 (3) "Child" means an unmarried person who is under 18 years of age and includes a posthumous
 18 child, stepchild or an adopted child.

19 **(4) "Cleaning expenses" means expenses reasonably related to the cleaning of, and the**
 20 **removal of any organic or inorganic matter from, a private residence or place of business**
 21 **due to the death of a person or conduct that caused the death of a person.**

22 [(4)] (5) "Compensable crime" means abuse of corpse in any degree or an intentional, knowing,
 23 reckless or criminally negligent act that results in injury or death of another person and that, if
 24 committed by a person of full legal capacity, would be punishable as a crime in this state.

25 [(5)] (6) "Counseling" has the meaning given that term by the department by rule.

26 [(6)] (7) "Dependent" means such relatives of a deceased victim who wholly or partially were
 27 dependent upon the victim's income at the time of death or would have been so dependent but for
 28 the victim's incapacity due to the injury from which the death resulted.

29 [(7)] (8) "Department" means the Department of Justice.

30 [(8)] (9) "Funeral expenses" means expenses of the funeral, burial, cremation, reduction or other
 31 chosen method of interment, including plot or tomb and other necessary incidents to the disposition
 32 of the remains and also including, in the case of abuse of corpse in any degree, reinterment.

33 [(9)] (10) "Injury" means abuse of a corpse or actual bodily harm and, with respect to a victim,
 34 includes pregnancy and mental or nervous shock.

35 [(10)] (11) "International terrorism" means activities that:

36 (a) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws
 37 of the United States or any state or that would be a criminal violation if committed within the ju-
 38 risdiction of the United States or of any state;

39 (b) Appear to be intended to:

40 (A) Intimidate or coerce a civilian population;

41 (B) Influence the policy of a government by intimidation or coercion; or

42 (C) Affect the conduct of a government by assassination or kidnapping; and

43 (c) Occur primarily outside the territorial jurisdiction of the United States or transcend national
 44 boundaries in terms of the means by which they are accomplished, the persons they appear intended
 45 to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

1 [(11)] (12) “Involved in the hearing” and “involved in the oral argument” have the meaning
 2 given those terms by the department by rule.

3 [(12)] (13) “Law enforcement official” means a sheriff, constable, marshal, municipal police offi-
 4 cer or member of the Oregon State Police and such other persons as may be designated by law as
 5 a peace officer.

6 [(13)] (14) “Reduction” has the meaning given that term in ORS 97.010.

7 [(14)] (15) “Relative” means a person related to the victim within the third degree as determined
 8 by the common law, a spouse, or an individual related to the spouse within the third degree as so
 9 determined and includes an individual in an adoptive relationship.

10 [(15)] (16) “Survivor” means any spouse, parent, grandparent, guardian, sibling, child or other
 11 immediate family member or household member of a deceased victim.

12 [(16)] (17) “Victim” means:

13 (a) A person:

14 (A) Killed or injured in this state as a result of a compensable crime perpetrated or attempted
 15 against that person;

16 (B) Killed or injured in this state while attempting to assist a person against whom a
 17 compensable crime is being perpetrated or attempted, if that attempt of assistance would be ex-
 18 pected of a reasonable person under the circumstances;

19 (C) Killed or injured in this state while assisting a law enforcement official to apprehend a
 20 person who has perpetrated a crime or to prevent the perpetration of any such crime, if that as-
 21 sistance was in response to the express request of the law enforcement official;

22 (D) Killed or injured in another state as a result of a criminal episode that began in this state;

23 (E) Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated
 24 or attempted against the person in a state, within the United States, without a reciprocal crime
 25 victims’ compensation program; or

26 (F) Who is an Oregon resident killed or injured by an act of international terrorism committed
 27 outside the United States; or

28 (b) In the case of abuse of corpse in any degree, the corpse or a relative of the corpse.

29 **SECTION 4.** ORS 147.035 is amended to read:

30 147.035. (1)(a) Except as otherwise provided in ORS 147.025 and 147.390, compensation may be
 31 awarded under ORS 147.005 to 147.367 only for losses described in this section.

32 (b) The maximum amount of compensation that may be awarded, in aggregate, to the victim and
 33 the survivors and dependents of a deceased victim is \$47,000.

34 (c) When a compensable crime results in:

35 (A) Injury to a victim, the losses described in subsections (2), (4), (7) and (8) of this section are
 36 compensable.

37 (B) Death to a victim, the losses described in subsections (3), (4), (6), (7) and (8) of this section
 38 are compensable.

39 (2) When a claim for compensation is filed in a case of injury, compensation may be awarded for:

40 (a) The victim’s reasonable medical and hospital expenses, including counseling expenses, up to
 41 a maximum amount of \$20,000;

42 (b) Loss of the victim’s earnings, at a maximum rate of \$600 per week, up to a maximum amount
 43 of \$20,000;

44 (c) The victim’s rehabilitation expenses, up to a maximum amount of \$4,000; and

45 (d) Expenses related to transportation for the victim’s medical care or counseling, at a rate de-

1 terminated by the Department of Justice, up to a maximum amount of \$3,000, when:

2 (A) The medical care or counseling is compensable under this section;

3 (B) The medical care or counseling is provided more than 30 miles away from the victim's resi-
4 dence; and

5 (C) Adequate medical care or counseling is not available in closer proximity to the victim's
6 residence.

7 (3) When a claim for compensation is filed in a case of death, compensation may be awarded for:

8 (a) Reasonable funeral expenses, up to a maximum amount of \$5,000;

9 (b) The victim's reasonable medical and hospital expenses, up to a maximum amount of \$20,000;

10 (c) Loss of support to the dependents of the victim, at a maximum rate of \$600 per week, up to
11 a maximum amount of \$20,000, less any amounts awarded for loss of earnings under subsection (2)(b)
12 of this section;

13 (d) Reasonable counseling expenses for the survivors of a deceased victim, up to a maximum
14 amount of \$20,000 for each deceased victim and including up to \$1,500 for each survivor for pre-
15 scription medications prescribed in conjunction with the counseling; *[and]*

16 (e) Expenses related to transportation for a survivor's or a dependent's counseling, at a rate
17 determined by the department, up to a maximum amount of \$3,000, when:

18 (A) The counseling is compensable under this section;

19 (B) The counseling is provided more than 30 miles away from the survivor's or dependent's
20 residence; and

21 (C) Adequate counseling is not available in closer proximity to the survivor's or dependent's
22 residence[.]; **and**

23 **(f) Reasonable cleaning expenses, up to a maximum amount of \$2,500.**

24 (4) When a claim for compensation is filed in a case of:

25 (a) Rape of a child, child sexual abuse or sexual exploitation, as those terms are described in
26 ORS 419B.005 (1)(a)(C), (D) and (E), counseling expenses of the victim's family are compensable up
27 to a maximum amount of \$20,000, less any amounts awarded for the victim's medical or hospital
28 expenses under subsection (2)(a) of this section.

29 (b) Domestic violence as defined in ORS 135.230, the counseling expenses of children who wit-
30 nessed the domestic violence are compensable up to a maximum amount of \$10,000.

31 (c) International terrorism, the counseling expenses of a relative of the victim are compensable
32 up to a maximum amount of \$1,000.

33 (5) Compensation may not be awarded under ORS 147.005 to 147.367 for pain and suffering or
34 property damage.

35 (6) Notwithstanding subsections (2) to (5) of this section, when a claim for compensation is filed
36 in a case of abuse of corpse in the first degree as defined in ORS 166.087 or abuse of corpse in the
37 second degree as defined in ORS 166.085, compensation may be awarded for one or both of the fol-
38 lowing:

39 (a) Reasonable funeral expenses, up to a maximum amount of \$5,000.

40 (b) Reasonable counseling expenses for emotional distress, up to a maximum amount of \$5,000
41 for each incident.

42 (7) If the case against the assailant of the victim is under direct or collateral review and the
43 victim, survivor or dependent is involved in the hearing or oral argument, compensation may be
44 awarded for:

45 (a) The victim's, survivor's or dependent's counseling expenses up to a maximum amount of

1 \$5,000; and

2 (b) Other expenses related to the review, including transportation and lodging necessary for the
3 victim, survivor or dependent to be involved in hearings and oral arguments, up to a maximum
4 amount of \$3,000.

5 (8) If the assailant of the victim has a hearing scheduled before the State Board of Parole and
6 Post-Prison Supervision or the Psychiatric Security Review Board and the victim, survivor or de-
7 pendent is involved in the hearing, compensation may be awarded for:

8 (a) The victim's, survivor's or dependent's counseling expenses up to a maximum amount of
9 \$5,000; and

10 (b) Other expenses related to the hearing, including transportation and lodging necessary for the
11 victim, survivor or dependent to be involved in the hearing, up to a maximum amount of \$3,000.

12 (9) A claim for compensation expires and no further payments may be made with regard to the
13 claim:

14 (a) When three years have elapsed from the entry of a determination order under ORS 147.135;
15 or

16 (b) If the victim, survivor or dependent attains 21 years of age after the date described in par-
17 agraph (a) of this subsection, when the victim, survivor or dependent attains 21 years of age.

18 (10) Notwithstanding subsection (9) of this section:

19 (a) In cases of homicide, a claim for reasonable counseling expenses for survivors may continue
20 until five years have elapsed from the date of the determination order.

21 (b) Claims described in subsection (7) of this section may be filed each time an assailant's case
22 is under direct or collateral review and expire:

23 (A) If the assailant is released as a result of the direct or collateral review, when six months
24 have elapsed from the date the assailant is released; or

25 (B) If the assailant is not released as a result of the direct or collateral review, when six months
26 have elapsed from the completion of the review.

27 (c) Claims described in subsection (8) of this section may be filed each time an assailant has a
28 hearing before the State Board of Parole and Post-Prison Supervision or the Psychiatric Security
29 Review Board and expire:

30 (A) If the assailant is denied parole, conditional release or discharge, when six months have
31 elapsed from the date of the hearing.

32 (B) If the assailant is paroled, conditionally released or discharged, when six months have
33 elapsed from the date the assailant is paroled, conditionally released or discharged.

34 (11) Notwithstanding subsections (2) and (9) of this section, if a victim suffers catastrophic in-
35 juries:

36 (a) A claim for compensation and payments may continue beyond the period described in sub-
37 section (9) of this section; and

38 (b) The department may award compensation for losses in excess of the individual limitations
39 described in subsection (2) of this section, provided that the aggregate award does not exceed the
40 amount described in subsection (1)(b) of this section.

41 (12) The department shall adopt rules:

42 (a) Defining catastrophic injuries and establishing the length of time that a claim for compen-
43 sation and payments may continue under subsection (11)(a) of this section.

44 (b) For medical fee schedules. The schedules shall represent at least the 75th percentile of the
45 usual and customary fees charged to the public as determined by the department. An applicant or

1 victim may not be charged for the percentile amount reduced by the department.

2 **SECTION 5.** ORS 163.275 is amended to read:

3 163.275. (1) A person commits the crime of coercion when:

4 (a) The person compels or induces another person to engage in conduct from which the other
5 person has a legal right to abstain, or to abstain from engaging in conduct in which the other person
6 has a legal right to engage, by means of instilling in the other person a fear that, if the other person
7 refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion
8 or inducement, the actor or another will:

9 [(a)] (A) Unlawfully cause physical injury to some person;

10 [(b)] (B) Unlawfully cause physical injury to some animal;

11 [(c)] (C) Unlawfully cause damage to property;

12 [(d)] (D) Engage in conduct constituting a crime;

13 [(e)] (E) Falsely accuse some person of a crime or cause criminal charges to be instituted
14 against the person;

15 [(f)] (F) Cause or continue a strike, boycott or other collective action injurious to some person's
16 business, except that such a threat is not deemed coercive when the act or omission compelled is
17 for the benefit of the group in whose interest the actor purports to act;

18 [(g)] (G) Testify falsely or provide false information or withhold testimony or information with
19 respect to another's legal claim or defense; or

20 [(h)] (H) Unlawfully use or abuse the person's position as a public servant by performing some
21 act within or related to official duties, or by failing or refusing to perform an official duty, in such
22 manner as to affect some person adversely[.]; or

23 (b) The person knowingly uses physical force or the threat of physical force to:

24 (A) Cause another person to move from one place to another; or

25 (B) Prevent another person from moving from one place to another.

26 (2) Coercion is a Class C felony.

27 **SECTION 6.** ORS 419C.349 is amended to read:

28 419C.349. (1) Except as otherwise provided in ORS 419C.364 or 419C.370, the juvenile court shall
29 conduct a waiver hearing when:

30 (a) The state files a motion requesting a waiver hearing in a case in which a petition has been
31 filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that,
32 if committed by an adult, would constitute aggravated murder or an offense listed in ORS 137.707;
33 or

34 (b) The state files a motion requesting a waiver hearing in a case in which a petition has been
35 filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that,
36 if committed by an adult, would constitute:

37 (A) A Class A or Class B felony;

38 (B) Any of the following Class C felonies:

39 (i) Escape in the second degree under ORS 162.155;

40 (ii) Assault in the third degree under ORS 163.165;

41 (iii) Coercion under ORS 163.275 [(1)(a)] (1)(a)(A);

42 (iv) Arson in the second degree under ORS 164.315; or

43 (v) Robbery in the third degree under ORS 164.395;

44 (C) Any Class C felony in which the youth used or threatened to use a firearm; or

45 (D) Any other crime that the state and the youth stipulate is subject to waiver.

1 (2) After the hearing, the juvenile court may waive the youth to a circuit, justice or municipal
2 court of competent jurisdiction if:

3 (a) The youth at the time of the alleged offense was of sufficient sophistication and maturity to
4 appreciate the nature and quality of the conduct involved; and

5 (b) The juvenile court, after considering the following criteria, determines by a preponderance
6 of the evidence that retaining jurisdiction will not serve the best interests of the youth and of so-
7 ciety and therefore is not justified:

8 (A) The amenability of the youth to treatment and rehabilitation given the techniques, facilities
9 and personnel for rehabilitation available to the juvenile court and to the criminal court that would
10 have jurisdiction after transfer;

11 (B) The protection required by the community, given the seriousness of the offense alleged, and
12 whether the youth can be safely rehabilitated under the jurisdiction of the juvenile court;

13 (C) The aggressive, violent, premeditated or willful manner in which the offense was alleged to
14 have been committed;

15 (D) The previous history of the youth, including:

16 (i) Prior treatment efforts and out-of-home placements; and

17 (ii) The physical, emotional and mental health of the youth;

18 (E) The youth's prior record of acts that would be crimes if committed by an adult;

19 (F) The gravity of the loss, damage or injury caused or attempted during the offense;

20 (G) The prosecutive merit of the case against the youth; and

21 (H) The desirability of disposing of all cases in one trial if there were adult co-offenders.

22 (3)(a) The victim of the alleged offense has the right to appear at a hearing under this section
23 and to provide the court with any information reasonably related to the court's determination.

24 (b) Notwithstanding ORS 419A.255, the district attorney may provide to the victim, at the re-
25 quest of the victim and pursuant to a protective order, a copy of the court's written waiver findings
26 and determination, if any, regardless of whether the victim appeared at the hearing or presented
27 information to the court.

28 (4) The right to counsel, and the appointment of counsel under ORS 419C.200, applies to a
29 hearing under this section.

30 (5) The state has the right to have at least one psychiatrist or licensed psychologist of its se-
31 lection examine the youth concerning the determination of whether to waive the youth under this
32 section.

33 **SECTION 7. The amendments to ORS 131.315, 131.325, 147.005, 147.035, 163.275 and**
34 **419C.349 by sections 1 to 6 of this 2023 Act apply to conduct occurring on or after the effec-**
35 **tive date of this 2023 Act.**

36 **SECTION 8. This 2023 Act takes effect on the 91st day after the date on which the 2023**
37 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

38