

Enrolled Senate Bill 615

Sponsored by Senator GORSEK; Senator MEEK, Representative NELSON (Presession filed.)

CHAPTER

AN ACT

Relating to vehicle speed racing; creating new provisions; amending ORS 131.602, 811.127 and 811.140; and prescribing an effective date.

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

SECTION 1. ORS 811.127 is amended to read:

811.127. *[(1) Except as provided in subsection (3) of this section, a person commits the offense of organizing a speed racing event if the person in any manner organizes a speed racing event.]*

[(2) As used in this section, "speed racing event" means an event that:]

[(a) Is preplanned and coordinated and involves two or more vehicles;]

[(b) Includes any of the activities described in ORS 811.125 (1); and]

[(c) Takes place on a highway.]

(1) Except as provided in subsection (2) of this section, a person commits the offense of organizing a speed racing event if the person, to facilitate or aid another individual who is participating in an activity described in ORS 811.125 or 811.140 (1)(b):

(a) Obstructs or places a barricade on a highway; or

(b) Assists in placing an obstruction or barricade upon a highway.

[(3)] (2) A person who organizes a speed racing event is not in violation of this section if the person has a permit from the road authority for the highway on which the event takes place.

[(4) The offense described in this section, organizing a speed racing event, is a Class C felony.]

(3) The offense described in this section, organizing a speed racing event, is:

(a) Except as provided in paragraph (b) of this subsection, a Class A misdemeanor.

(b) For a person's second or subsequent conviction within a five-year period preceding the date of the person's current conviction, a Class C felony.

SECTION 2. ORS 811.140 is amended to read:

811.140. (1) A person commits the offense of reckless driving if the person:

(a) Recklessly drives a vehicle upon a highway or [other] premises open to the public [described in this section] in a manner that endangers the safety of persons or property[.]; or

(b) Operates a vehicle on a highway or premises open to the public and, in the presence of two or more persons assembled for the purpose of spectating the conduct, intentionally:

(A) Breaks the traction of the vehicle's rear tires; or

(B) Spins the vehicle's rear tires continuously by pressing the accelerator and increasing the engine speed in a manner that leaves marks on the surface upon which the vehicle is being driven.

[(2) The use of the term "recklessly" in this section is as defined in ORS 161.085.]

(2) As used in this section, “intentionally” and “recklessly” have the meanings given those terms in ORS 161.085.

(3) The offense described in this section, reckless driving, is a Class A misdemeanor [*and is applicable upon any premises open to the public*].

SECTION 3. ORS 131.602 is amended to read:

131.602. The crimes to which ORS 131.550 (12)(b) applies are:

- (1) Bribe giving, as defined in ORS 162.015.
- (2) Bribe receiving, as defined in ORS 162.025.
- (3) Public investment fraud, as defined in ORS 162.117.
- (4) Bribing a witness, as defined in ORS 162.265.
- (5) Bribe receiving by a witness, as defined in ORS 162.275.
- (6) Simulating legal process, as defined in ORS 162.355.
- (7) Official misconduct in the first degree, as defined in ORS 162.415.
- (8) Assisting another person to commit suicide, as defined in ORS 163.193.
- (9) Custodial interference in the second degree, as defined in ORS 163.245.
- (10) Custodial interference in the first degree, as defined in ORS 163.257.
- (11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- (12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- (13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- (14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- (15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- (16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as defined in ORS 163.688.
- (17) Possession of materials depicting sexually explicit conduct of a child in the second degree, as defined in ORS 163.689.
- (18) Theft in the second degree, as defined in ORS 164.045.
- (19) Theft in the first degree, as defined in ORS 164.055.
- (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- (21) Extortion, as defined in ORS 164.075.
- (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- (27) Laundering a monetary instrument, as defined in ORS 164.170.
- (28) Engaging in a financial transaction in property derived from unlawful activity, as defined in ORS 164.172.
- (29) Burglary in the second degree, as defined in ORS 164.215.
- (30) Burglary in the first degree, as defined in ORS 164.225.
- (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- (33) Arson in the second degree, as defined in ORS 164.315.
- (34) Arson in the first degree, as defined in ORS 164.325.
- (35) Computer crime, as defined in ORS 164.377.
- (36) Robbery in the third degree, as defined in ORS 164.395.
- (37) Robbery in the second degree, as defined in ORS 164.405.
- (38) Robbery in the first degree, as defined in ORS 164.415.
- (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- (42) A violation of ORS 164.886.
- (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.

- (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- (44) Interference with agricultural operations, as defined in ORS 164.887.
- (45) Forgery in the second degree, as defined in ORS 165.007.
- (46) Forgery in the first degree, as defined in ORS 165.013.
- (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- (50) Criminal simulation, as defined in ORS 165.037.
- (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- (53) Negotiating a bad check, as defined in ORS 165.065.
- (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- (56) Falsifying business records, as defined in ORS 165.080.
- (57) Sports bribery, as defined in ORS 165.085.
- (58) Sports bribe receiving, as defined in ORS 165.090.
- (59) Misapplication of entrusted property, as defined in ORS 165.095.
- (60) Issuing a false financial statement, as defined in ORS 165.100.
- (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- (62) A violation of ORS 165.543.
- (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- (66) Identity theft, as defined in ORS 165.800.
- (67) A violation of ORS 166.190.
- (68) Unlawful use of a weapon, as defined in ORS 166.220.
- (69) A violation of ORS 166.240.
- (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- (71) A violation of ORS 166.270.
- (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer, as defined in ORS 166.272.
- (73) A violation of ORS 166.275.
- (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- (75) A violation of ORS 166.370.
- (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- (79) A violation of ORS 166.410.
- (80) Providing false information in connection with a transfer of a firearm, as defined in ORS 166.416.
- (81) Improperly transferring a firearm, as defined in ORS 166.418.
- (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- (83) A violation of ORS 166.429.
- (84) A violation of ORS 166.470.
- (85) A violation of ORS 166.480.
- (86) A violation of ORS 166.635.
- (87) A violation of ORS 166.638.
- (88) Unlawful paramilitary activity, as defined in ORS 166.660.
- (89) A violation of ORS 166.720.
- (90) Prostitution, as defined in ORS 167.007.
- (91) Commercial sexual solicitation, as defined in ORS 167.008.
- (92) Promoting prostitution, as defined in ORS 167.012.

- (93) Compelling prostitution, as defined in ORS 167.017.
- (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
- (98) Possession of gambling records in the first degree, as defined in ORS 167.137.
- (99) Possession of a gambling device, as defined in ORS 167.147.
- (100) Possession of a gray machine, as defined in ORS 167.164.
- (101) Cheating, as defined in ORS 167.167.
- (102) Tampering with drug records, as defined in ORS 167.212.
- (103) A violation of ORS 167.262.
- (104) Research and animal interference, as defined in ORS 167.312.
- (105) Animal abuse in the first degree, as defined in ORS 167.320.
- (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- (107) Animal neglect in the first degree, as defined in ORS 167.330.
- (108) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS 167.352.
- (109) Involvement in animal fighting, as defined in ORS 167.355.
- (110) Dogfighting, as defined in ORS 167.365.
- (111) Participation in dogfighting, as defined in ORS 167.370.
- (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- (113) Interference with livestock production, as defined in ORS 167.388.
- (114) A violation of ORS 167.390.
- (115) Participation in cockfighting, as defined in ORS 167.431.
- (116) A violation of ORS 471.410.
- (117) Failure to report missing precursor substances, as defined in ORS 475.955.
- (118) Illegally selling drug equipment, as defined in ORS 475.960.
- (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
- (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
- (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- (123) A violation of ORS 475.916.
- (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- (125) A violation of ORS 475.904.
- (126) A violation of ORS 475C.337, if it is a felony or a Class A misdemeanor.
- (127) A violation of ORS 475C.341, if it is a felony or a Class A misdemeanor.
- (128) A violation of ORS 475C.345, if it is a felony or a Class A misdemeanor.
- (129) A violation of ORS 475C.349, if it is a felony or a Class A misdemeanor.
- (130) A violation of ORS 475C.229.
- (131) Misuse of an identification card, as defined in ORS 807.430.
- (132) Unlawful production of identification cards, licenses, permits, forms or camera cards, as defined in ORS 807.500.
- (133) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- (134) Using an invalid license, as defined in ORS 807.580.
- (135) Permitting misuse of a license, as defined in ORS 807.590.
- (136) Using another's license, as defined in ORS 807.600.
- (137) Criminal driving while suspended or revoked, as defined in ORS 811.182.
- (138) Aggravated driving while suspended or revoked, as defined in ORS 163.196.
- (139) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a felony.
- (140) Unlawful distribution of cigarettes, as defined in ORS 323.482.
- (141) Unlawful distribution of tobacco products, as defined in ORS 323.632.

- (142) A violation of ORS 180.440 (2) or 180.486 (2).
- (143) A violation described in ORS 475.806 to 475.894, if it is a felony.
- (144) Subjecting another person to involuntary servitude in the first degree, as defined in ORS 163.264.
- (145) Subjecting another person to involuntary servitude in the second degree, as defined in ORS 163.263.
- (146) Trafficking in persons, as defined in ORS 163.266.
- (147) Luring a minor, as defined in ORS 167.057.
- (148) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.
- (149) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.
- (150) Reckless driving, as defined in ORS 811.140 (1)(b).**

[(150)] **(151)** An attempt, conspiracy or solicitation to commit a crime in subsections (1) to [(149)] **(150)** of this section if the attempt, conspiracy or solicitation is a felony or a Class A misdemeanor.

SECTION 4. The amendments to ORS 131.602, 811.127 and 811.140 by sections 1 to 3 of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.

SECTION 5. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate April 6, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State