

Requested by Representative GRAYBER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2572**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest  
2 of the line and insert “amending ORS 131.602, 161.005 and 166.385; and re-  
3 pealing ORS 166.660.”.

4 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

5 **“SECTION 1. (1) A person commits the crime of unlawful**  
6 **paramilitary activity if the person knowingly, while acting as part of**  
7 **a private paramilitary organization or on behalf of or in furtherance**  
8 **of any objective of a private paramilitary organization, and while**  
9 **armed with a firearm, explosive or other dangerous weapon:**

10 **“(a) Publicly patrols, drills or engages in techniques capable of**  
11 **causing physical injury or death;**

12 **“(b) Interferes with, interrupts or attempts to interfere with or in-**  
13 **terrupt governmental operations or a government proceeding;**

14 **“(c) Asserts authority or purports to assert authority over another**  
15 **person without legal authority;**

16 **“(d) Interferes with or intimidates another person and thereby:**

17 **“(A) Prevents the other person, or attempts to prevent the other**  
18 **person, from engaging in conduct in which the other person has a le-**  
19 **gal right to engage; or**

20 **“(B) Causes the other person, or attempts to cause the other per-**  
21 **son, to engage in conduct from which the other person has a legal**

1 **right to abstain; or**

2 **“(e) Trains to engage in any activity described in paragraphs (a) to**  
3 **(d) of this subsection.**

4 **“(2) Unlawful paramilitary activity is a Class C felony.**

5 **“(3) This section does not apply to:**

6 **“(a) The Armed Forces of the United States or the National Guard,**  
7 **as those terms are defined in 10 U.S.C. 101, or any regularly organized**  
8 **state militia or unorganized or reserve militia called into service by a**  
9 **state or the United States, including a defense force authorized under**  
10 **32 U.S.C. 109(c).**

11 **“(b) A group of individuals that associates as a military organiza-**  
12 **tion solely for historical purposes or fictional performances, or that**  
13 **parades in public as part of a bona fide veterans’ organization, so long**  
14 **as the group does not carry or use ammunition or explosives.**

15 **“(c) Students in an education institution authorized by a state or**  
16 **federal government to teach military science as a prescribed part of**  
17 **the course of instruction, when under the supervision of a military**  
18 **instructor.**

19 **“(d) Members of an organization that is authorized under state or**  
20 **federal law to provide paramilitary, law enforcement or security ser-**  
21 **vices training or to engage in paramilitary activity or the provision**  
22 **of law enforcement or security services, when performing the func-**  
23 **tions authorized by law and, in the case of paramilitary activity and**  
24 **law enforcement services, when under the direction and control of a**  
25 **governmental authority.**

26 **“(e) Troops of a foreign government operating under the authori-**  
27 **zation or consent of the United States government.**

28 **“(f) Any lawful activity of the State Department of Fish and**  
29 **Wildlife.**

30 **“(g) Any activity intended to teach or practice self-defense or self-**

1 defense techniques, such as karate clubs or self-defense clinics, and  
2 similar lawful activity.

3 “(h) Any facility, program or lawful activity related to firearms in-  
4 struction and training intended to teach the safe handling and use of  
5 firearms, or any other lawful sports or activities related to the indi-  
6 vidual recreational use or possession of firearms, including but not  
7 limited to hunting activities, target shooting, self-defense, firearms  
8 collection or any organized activity, including but not limited to any  
9 hunting club, rifle club, rifle range or shooting range, which does not  
10 include a conspiracy as defined in ORS 161.450 or the knowledge of or  
11 the intent to cause or further acts of physical violence or damage to  
12 persons or property.

13 “(4) As used in this section:

14 “(a) ‘Explosive’ has the meaning given that term in ORS 480.200.

15 “(b) ‘Firearm’ has the meaning given that term in ORS 166.210.

16 “(c) ‘Private paramilitary organization’ means any group of three  
17 or more persons associating under a command structure for the pur-  
18 pose of functioning in public or training to function in public as a  
19 combat, combat support, law enforcement or security services unit.

20 “(d) ‘State’ means the District of Columbia or a state, common-  
21 wealth, territory or possession of the United States.

22 “SECTION 2. (1)(a) If the Attorney General has reasonable cause  
23 or believe that a person or group of persons has engaged in, or is about  
24 to engage in, any conduct or act prohibited by section 1 of this 2023  
25 Act, the Attorney General may bring a civil action in the name of the  
26 State of Oregon for injunctive relief in the appropriate court.

27 “(b) The court may award reasonable attorney fees and costs of  
28 investigation, preparation and litigation to the State of Oregon if the  
29 State of Oregon prevails in an action under this subsection.

30 “(c)(A) If it appears to the Attorney General that a person has

1 possession, custody or control of any information, document or other  
2 material that is relevant to an investigation of a violation of section  
3 1 of this 2023 Act, or that could lead to the discovery of relevant in-  
4 formation in an investigation of a violation of section 1 of this 2023  
5 Act, the Attorney General may cause an investigative demand to be  
6 served upon the person. The investigative demand may require the  
7 person:

8 “(i) To appear and testify under oath at the time and place stated  
9 in the investigative demand;

10 “(ii) To answer written interrogatories; or

11 “(iii) To produce relevant documentary material or physical evi-  
12 dence for examination at the time and place stated in the investigative  
13 demand.

14 “(B) An investigative demand under this subsection shall be served  
15 in the manner provided by ORS 646.622 and may be enforced in the  
16 manner provided by ORS 646.626.

17 “(2)(a) Irrespective of any criminal prosecution or the result  
18 thereof, any person injured as a result of a violation of section 1 of  
19 this 2023 Act may bring a civil action, individually or jointly with other  
20 aggrieved persons, in the appropriate court for relief against any per-  
21 son or persons whose actions are unlawful under section 1 of this 2023  
22 Act.

23 “(b) A plaintiff who prevails in a claim under this subsection may  
24 recover:

25 “(A) Economic or noneconomic damages, as those terms are defined  
26 in ORS 31.705;

27 “(B) Injunctive relief;

28 “(C) Reasonable attorney fees; and

29 “(D) Any other appropriate equitable relief.

30 “SECTION 3. ORS 131.602 is amended to read:

- 1 “131.602. The crimes to which ORS 131.550 (12)(b) applies are:
- 2 “(1) Bribe giving, as defined in ORS 162.015.
- 3 “(2) Bribe receiving, as defined in ORS 162.025.
- 4 “(3) Public investment fraud, as defined in ORS 162.117.
- 5 “(4) Bribing a witness, as defined in ORS 162.265.
- 6 “(5) Bribe receiving by a witness, as defined in ORS 162.275.
- 7 “(6) Simulating legal process, as defined in ORS 162.355.
- 8 “(7) Official misconduct in the first degree, as defined in ORS 162.415.
- 9 “(8) Assisting another person to commit suicide, as defined in ORS
- 10 163.193.
- 11 “(9) Custodial interference in the second degree, as defined in ORS
- 12 163.245.
- 13 “(10) Custodial interference in the first degree, as defined in ORS 163.257.
- 14 “(11) Buying or selling a person under 18 years of age, as defined in ORS
- 15 163.537.
- 16 “(12) Using a child in a display of sexually explicit conduct, as defined
- 17 in ORS 163.670.
- 18 “(13) Encouraging child sexual abuse in the first degree, as defined in
- 19 ORS 163.684.
- 20 “(14) Encouraging child sexual abuse in the second degree, as defined in
- 21 ORS 163.686.
- 22 “(15) Encouraging child sexual abuse in the third degree, as defined in
- 23 ORS 163.687.
- 24 “(16) Possession of materials depicting sexually explicit conduct of a child
- 25 in the first degree, as defined in ORS 163.688.
- 26 “(17) Possession of materials depicting sexually explicit conduct of a child
- 27 in the second degree, as defined in ORS 163.689.
- 28 “(18) Theft in the second degree, as defined in ORS 164.045.
- 29 “(19) Theft in the first degree, as defined in ORS 164.055.
- 30 “(20) Aggravated theft in the first degree, as defined in ORS 164.057.

- 1       “(21) Extortion, as defined in ORS 164.075.
- 2       “(22) Theft by deception, as defined in ORS 164.085, if it is a felony or a  
3 Class A misdemeanor.
- 4       “(23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a  
5 Class A misdemeanor.
- 6       “(24) Theft of services, as defined in ORS 164.125, if it is a felony or a  
7 Class A misdemeanor.
- 8       “(25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 9       “(26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 10       “(27) Laundering a monetary instrument, as defined in ORS 164.170.
- 11       “(28) Engaging in a financial transaction in property derived from un-  
12 lawful activity, as defined in ORS 164.172.
- 13       “(29) Burglary in the second degree, as defined in ORS 164.215.
- 14       “(30) Burglary in the first degree, as defined in ORS 164.225.
- 15       “(31) Possession of a burglary tool or theft device, as defined in ORS  
16 164.235.
- 17       “(32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 18       “(33) Arson in the second degree, as defined in ORS 164.315.
- 19       “(34) Arson in the first degree, as defined in ORS 164.325.
- 20       “(35) Computer crime, as defined in ORS 164.377.
- 21       “(36) Robbery in the third degree, as defined in ORS 164.395.
- 22       “(37) Robbery in the second degree, as defined in ORS 164.405.
- 23       “(38) Robbery in the first degree, as defined in ORS 164.415.
- 24       “(39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 25       “(40) Unlawful recording of a live performance, as defined in ORS 164.869.
- 26       “(41) Unlawful labeling of a videotape recording, as defined in ORS  
27 164.872.
- 28       “(42) A violation of ORS 164.886.
- 29       “(43)(a) Endangering aircraft in the first degree, as defined in ORS  
30 164.885.

- 1 “(b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- 2 “(44) Interference with agricultural operations, as defined in ORS 164.887.
- 3 “(45) Forgery in the second degree, as defined in ORS 165.007.
- 4 “(46) Forgery in the first degree, as defined in ORS 165.013.
- 5 “(47) Criminal possession of a forged instrument in the second degree, as  
6 defined in ORS 165.017.
- 7 “(48) Criminal possession of a forged instrument in the first degree, as  
8 defined in ORS 165.022.
- 9 “(49) Criminal possession of a forgery device, as defined in ORS 165.032.
- 10 “(50) Criminal simulation, as defined in ORS 165.037.
- 11 “(51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 12 “(52) Fraudulent use of a credit card, as defined in ORS 165.055.
- 13 “(53) Negotiating a bad check, as defined in ORS 165.065.
- 14 “(54) Possessing a fraudulent communications device, as defined in ORS  
15 165.070.
- 16 “(55) Unlawful factoring of a payment card transaction, as defined in ORS  
17 165.074.
- 18 “(56) Falsifying business records, as defined in ORS 165.080.
- 19 “(57) Sports bribery, as defined in ORS 165.085.
- 20 “(58) Sports bribe receiving, as defined in ORS 165.090.
- 21 “(59) Misapplication of entrusted property, as defined in ORS 165.095.
- 22 “(60) Issuing a false financial statement, as defined in ORS 165.100.
- 23 “(61) Obtaining execution of documents by deception, as defined in ORS  
24 165.102.
- 25 “(62) A violation of ORS 165.543.
- 26 “(63) Cellular counterfeiting in the third degree, as defined in ORS  
27 165.577.
- 28 “(64) Cellular counterfeiting in the second degree, as defined in ORS  
29 165.579.
- 30 “(65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.

- 1 “(66) Identity theft, as defined in ORS 165.800.
- 2 “(67) A violation of ORS 166.190.
- 3 “(68) Unlawful use of a weapon, as defined in ORS 166.220.
- 4 “(69) A violation of ORS 166.240.
- 5 “(70) Unlawful possession of a firearm, as defined in ORS 166.250.
- 6 “(71) A violation of ORS 166.270.
- 7 “(72) Unlawful possession of a machine gun, short-barreled rifle, short-  
8 barreled shotgun or firearms silencer, as defined in ORS 166.272.
- 9 “(73) A violation of ORS 166.275.
- 10 “(74) Unlawful possession of armor piercing ammunition, as defined in  
11 ORS 166.350.
- 12 “(75) A violation of ORS 166.370.
- 13 “(76) Unlawful possession of a destructive device, as defined in ORS  
14 166.382.
- 15 “(77) Unlawful manufacture of a destructive device, as defined in ORS  
16 166.384.
- 17 “(78) Possession of a hoax destructive device, as defined in ORS 166.385.
- 18 “(79) A violation of ORS 166.410.
- 19 “(80) Providing false information in connection with a transfer of a  
20 firearm, as defined in ORS 166.416.
- 21 “(81) Improperly transferring a firearm, as defined in ORS 166.418.
- 22 “(82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 23 “(83) A violation of ORS 166.429.
- 24 “(84) A violation of ORS 166.470.
- 25 “(85) A violation of ORS 166.480.
- 26 “(86) A violation of ORS 166.635.
- 27 “(87) A violation of ORS 166.638.
- 28 “(88) Unlawful paramilitary activity, as defined in [*ORS 166.660*] **section**  
29 **1 of this 2023 Act.**
- 30 “(89) A violation of ORS 166.720.



- 1 “(90) Prostitution, as defined in ORS 167.007.
- 2 “(91) Commercial sexual solicitation, as defined in ORS 167.008.
- 3 “(92) Promoting prostitution, as defined in ORS 167.012.
- 4 “(93) Compelling prostitution, as defined in ORS 167.017.
- 5 “(94) Exhibiting an obscene performance to a minor, as defined in ORS  
6 167.075.
- 7 “(95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 8 “(96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 9 “(97) Possession of gambling records in the second degree, as defined in  
10 ORS 167.132.
- 11 “(98) Possession of gambling records in the first degree, as defined in ORS  
12 167.137.
- 13 “(99) Possession of a gambling device, as defined in ORS 167.147.
- 14 “(100) Possession of a gray machine, as defined in ORS 167.164.
- 15 “(101) Cheating, as defined in ORS 167.167.
- 16 “(102) Tampering with drug records, as defined in ORS 167.212.
- 17 “(103) A violation of ORS 167.262.
- 18 “(104) Research and animal interference, as defined in ORS 167.312.
- 19 “(105) Animal abuse in the first degree, as defined in ORS 167.320.
- 20 “(106) Aggravated animal abuse in the first degree, as defined in ORS  
21 167.322.
- 22 “(107) Animal neglect in the first degree, as defined in ORS 167.330.
- 23 “(108) Interfering with an assistance, a search and rescue or a therapy  
24 animal, as defined in ORS 167.352.
- 25 “(109) Involvement in animal fighting, as defined in ORS 167.355.
- 26 “(110) Dogfighting, as defined in ORS 167.365.
- 27 “(111) Participation in dogfighting, as defined in ORS 167.370.
- 28 “(112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 29 “(113) Interference with livestock production, as defined in ORS 167.388.
- 30 “(114) A violation of ORS 167.390.

- 1 “(115) Participation in cockfighting, as defined in ORS 167.431.
- 2 “(116) A violation of ORS 471.410.
- 3 “(117) Failure to report missing precursor substances, as defined in ORS  
4 475.955.
- 5 “(118) Illegally selling drug equipment, as defined in ORS 475.960.
- 6 “(119) Providing false information on a precursor substances report, as  
7 defined in ORS 475.965.
- 8 “(120) Unlawful delivery of an imitation controlled substance, as defined  
9 in ORS 475.912.
- 10 “(121) A violation of ORS 475.752, if it is a felony or a Class A  
11 misdemeanor.
- 12 “(122) A violation of ORS 475.914, if it is a felony or a Class A  
13 misdemeanor.
- 14 “(123) A violation of ORS 475.916.
- 15 “(124) A violation of ORS 475.906, if it is a felony or a Class A  
16 misdemeanor.
- 17 “(125) A violation of ORS 475.904.
- 18 “(126) A violation of ORS 475C.337, if it is a felony or a Class A  
19 misdemeanor.
- 20 “(127) A violation of ORS 475C.341, if it is a felony or a Class A  
21 misdemeanor.
- 22 “(128) A violation of ORS 475C.345, if it is a felony or a Class A  
23 misdemeanor.
- 24 “(129) A violation of ORS 475C.349, if it is a felony or a Class A  
25 misdemeanor.
- 26 “(130) A violation of ORS 475C.229.
- 27 “(131) Misuse of an identification card, as defined in ORS 807.430.
- 28 “(132) Unlawful production of identification cards, licenses, permits, forms  
29 or camera cards, as defined in ORS 807.500.
- 30 “(133) Transfer of documents for the purposes of misrepresentation, as

1 defined in ORS 807.510.

2 “(134) Using an invalid license, as defined in ORS 807.580.

3 “(135) Permitting misuse of a license, as defined in ORS 807.590.

4 “(136) Using another’s license, as defined in ORS 807.600.

5 “(137) Criminal driving while suspended or revoked, as defined in ORS  
6 811.182.

7 “(138) Aggravated driving while suspended or revoked, as defined in ORS  
8 163.196.

9 “(139) Driving while under the influence of intoxicants, as defined in ORS  
10 813.010, when it is a felony.

11 “(140) Unlawful distribution of cigarettes, as defined in ORS 323.482.

12 “(141) Unlawful distribution of tobacco products, as defined in ORS  
13 323.632.

14 “(142) A violation of ORS 180.440 (2) or 180.486 (2).

15 “(143) A violation described in ORS 475.806 to 475.894, if it is a felony.

16 “(144) Subjecting another person to involuntary servitude in the first de-  
17 gree, as defined in ORS 163.264.

18 “(145) Subjecting another person to involuntary servitude in the second  
19 degree, as defined in ORS 163.263.

20 “(146) Trafficking in persons, as defined in ORS 163.266.

21 “(147) Luring a minor, as defined in ORS 167.057.

22 “(148) Online sexual corruption of a child in the second degree, as defined  
23 in ORS 163.432.

24 “(149) Online sexual corruption of a child in the first degree, as defined  
25 in ORS 163.433.

26 “(150) An attempt, conspiracy or solicitation to commit a crime in sub-  
27 sections (1) to (149) of this section if the attempt, conspiracy or solicitation  
28 is a felony or a Class A misdemeanor.

29 **“SECTION 4.** ORS 161.005 is amended to read:

30 “161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175,

1 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585,  
2 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035,  
3 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425,  
4 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160  
5 to 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264,  
6 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505  
7 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to  
8 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to  
9 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805,  
10 165.815, 166.005 to 166.095, 166.350, 166.382, 166.384, [166.660,] 167.002 to  
11 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to  
12 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and section 1 of this**  
13 **2023 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

14 **“SECTION 5.** ORS 166.385 is amended to read:

15 “166.385. (1) A person commits the crime of possession of a hoax destruc-  
16 tive device if the person knowingly places another person in fear of serious  
17 physical injury by:

18 “(a) Possessing, manufacturing, selling, delivering, placing or causing to  
19 be placed a hoax destructive device; or

20 “(b) Sending a hoax destructive device to another person.

21 “(2) Possession of a hoax destructive device is a Class A misdemeanor.

22 “(3) Notwithstanding subsection (2) of this section, possession of a hoax  
23 destructive device is a Class C felony if a person possesses, or threatens to  
24 use, a hoax destructive device while the person is committing or attempting  
25 to commit a felony.

26 “(4) As used in this section, ‘hoax destructive device’ means an object that  
27 reasonably appears, under the circumstances:

28 “(a) To be a destructive device, as described in ORS 166.382 (1)(a), or an  
29 explosive, [*as defined in ORS 166.660,*] but is an inoperative imitation of a  
30 destructive device or explosive; or

1       “(b) To contain a destructive device, as described in ORS 166.382 (1)(a),  
2 or an explosive[, *as defined in ORS 166.660*].

3       “(5) As used in this section, ‘explosive’ means a chemical com-  
4 pound, mixture or device that is commonly used or intended for the  
5 purpose of producing a chemical reaction resulting in a substantially  
6 instantaneous release of gas and heat, including but not limited to  
7 dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly,  
8 but excluding fireworks as defined in ORS 480.111, black powder,  
9 smokeless powder, small arms ammunition and small arms ammuni-  
10 tion primers.

11       “SECTION 6. ORS 166.660 is repealed.”.

12

---