

House Bill 3697

Sponsored by Representative CATE

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes theft and burglary more serious crimes when they involve the theft of drugs. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 83.4).

Provides that theft of a controlled substance or a prescription medication constitutes theft in the first degree. Punishes by a maximum penalty of five years' imprisonment, a fine of up to \$125,000, or both.

Provides that entering or remaining unlawfully in a building that is primarily used as or contains a pharmacy constitutes burglary in the first degree in specified circumstances. Punishes by a maximum penalty of 20 years' imprisonment, a fine of up to \$375,000, or both.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to crime; amending ORS 164.055, 164.205 and 164.225; and prescribing an effective date.

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

3 **SECTION 1.** ORS 164.055 is amended to read:

4 164.055. (1) A person commits the crime of theft in the first degree if, by means other than
5 extortion, the person commits theft as defined in ORS 164.015 and:

6 (a) The total value of the property in a single or aggregate transaction is \$1,000 or more;

7 (b) The theft is committed during a riot, fire, explosion, catastrophe or other emergency in an
8 area affected by the riot, fire, explosion, catastrophe or other emergency;

9 (c) The theft is theft by receiving committed by buying, selling, borrowing or lending on the
10 security of the property;

11 (d) The subject of the theft is a firearm or explosive;

12 (e) The subject of the theft is a livestock animal, a companion animal or a wild animal removed
13 from habitat or born of a wild animal removed from habitat, pursuant to ORS 497.308 (2)(c);

14 (f) The subject of the theft is a precursor substance; [*or*]

15 **(g) The subject of the theft is a controlled substance or a prescription medication; or**

16 [*(g)*] **(h) During the commission of the theft, the person recklessly engages in conduct that cre-**
17 **ates a substantial risk of serious physical injury to another person.**

18 (2) As used in this section:

19 (a) "Companion animal" means a dog or cat possessed by a person, business or other entity for
20 purposes of companionship, security, hunting, herding or providing assistance in relation to a phys-
21 ical disability.

22 **(b) "Controlled substance" has the meaning given that term in ORS 475.005.**

23 **(c) "Drug" has the meaning given that term in ORS 475.005.**

24 [*(b)*] **(d) "Explosive" means a chemical compound, mixture or device that is commonly used or**
25 **intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous**
26 **release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin,**

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 blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder,
 2 smokeless powder, small arms ammunition and small arms ammunition primers.

3 [(c)] (e) “Firearm” has the meaning given that term in ORS 166.210.

4 [(d)] (f) “Livestock animal” means a ratite, psittacine, horse, gelding, mare, filly, stallion, colt,
 5 mule, ass, jenny, bull, steer, cow, calf, goat, sheep, lamb, llama, pig or hog.

6 (g) **“Practitioner” has the meaning given that term in ORS 475.005.**

7 [(e)] (h) “Precursor substance” has the meaning given that term in ORS 475.940.

8 (i) **“Prescription medication” means a drug prepared under the written, oral or elec-**
 9 **tronically transmitted direction of a practitioner.**

10 (3) Theft in the first degree is a Class C felony.

11 **SECTION 2.** ORS 164.205 is amended to read:

12 164.205. As used in ORS 164.205 to 164.270, except as the context requires otherwise:

13 (1) “Building,” in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft
 14 or other structure adapted for overnight accommodation of persons or for carrying on business
 15 therein. Where a building consists of separate units, including, but not limited to, separate apart-
 16 ments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate
 17 building.

18 (2) **“Controlled substance” has the meaning given that term in ORS 475.005.**

19 (3) **“Drug” has the meaning given that term in ORS 475.005.**

20 [(2)] (4) “Dwelling” means a building which regularly or intermittently is occupied by a person
 21 lodging therein at night, whether or not a person is actually present.

22 [(3)] (5) “Enter or remain unlawfully” means:

23 (a) To enter or remain in or upon premises when the premises, at the time of such entry or re-
 24 maining, are not open to the public and when the entrant is not otherwise licensed or privileged to
 25 do so;

26 (b) To fail to leave premises that are open to the public after being lawfully directed to do so
 27 by the person in charge;

28 (c) To enter premises that are open to the public after being lawfully directed not to enter the
 29 premises; or

30 (d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.

31 [(4)] (6) “Open to the public” means premises which by their physical nature, function, custom,
 32 usage, notice or lack thereof or other circumstances at the time would cause a reasonable person
 33 to believe that no permission to enter or remain is required.

34 [(5)] (7) “Person in charge” means a person, a representative or employee of the person who has
 35 lawful control of premises by ownership, tenancy, official position or other legal relationship. “Per-
 36 son in charge” includes[,] but is not limited to the person, or holder of a position, designated as the
 37 person or position-holder in charge by the Governor, board, commission or governing body of any
 38 political subdivision of this state.

39 (8) **“Pharmacy” has the meaning given that term in ORS 689.005.**

40 (9) **“Practitioner” has the meaning given that term in ORS 475.005.**

41 [(6)] (10) “Premises” includes any building and any real property, whether privately or publicly
 42 owned.

43 (11) **“Prescription medication” means a drug prepared under the written, oral or elec-**
 44 **tronically transmitted direction of a practitioner.**

45 **SECTION 3.** ORS 164.225 is amended to read:

1 164.225. (1) A person commits the crime of burglary in the first degree if the person violates
2 ORS 164.215 and:

3 (a) The building is a dwelling[, *or*];

4 (b) **The building is primarily used as a pharmacy;**

5 (c) **The building contains a pharmacy, and the person enters or remains unlawfully in the**
6 **building with intent to commit theft of prescription medications or controlled substances**
7 **therein; or**

8 (d) If in effecting entry or while in a building or in immediate flight therefrom the person:

9 [(a)] (A) Is armed with a burglary tool or theft device as defined in ORS 164.235 or a deadly
10 weapon;

11 [(b)] (B) Causes or attempts to cause physical injury to any person; or

12 [(c)] (C) Uses or threatens to use a dangerous weapon.

13 (2) Burglary in the first degree is a Class A felony.

14 **SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025**
15 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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