



OREGON HUNTERS ASSOCIATION

Protecting Oregon's Wildlife, Habitat and Hunting Heritage

P.O. Box 1706, Medford, OR 97501 • (541) 772-7313
oha@oregonhunters.org • oregonhunters.org

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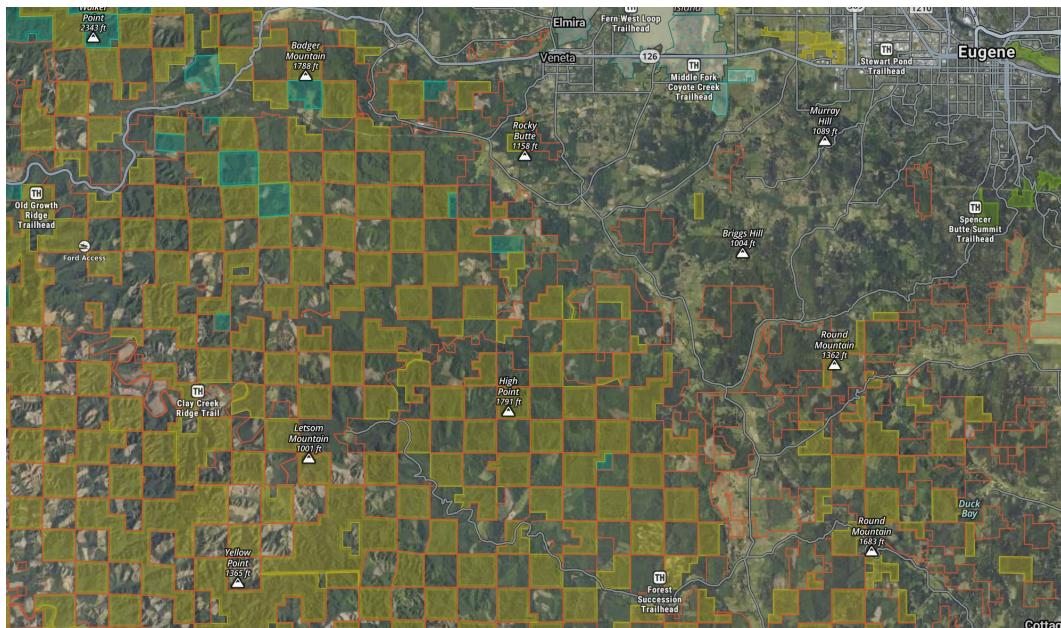
Senate Committee on Judiciary
RE: Support for SB 1545

Chair Prozanski, Vice-Chair Thatcher, members of the committee,

The Oregon Hunters Association (OHA) is Oregon's largest state-centric hunter conservation organization, representing over 12,000 sportsmen and women throughout the state. Our mission is 'to protect Oregon's wildlife, habitat, and hunting heritage' and we strongly support science-based wildlife and habitat management.

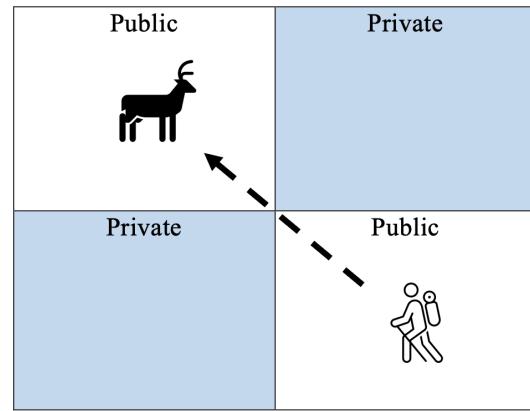
OHA supports SB 1545 and the public's ability to access and use our public lands.

Oregon contains over 32 million acres of public land - 53% of the state. Some of those lands are easily accessible while large portions are either "corner locked" or "landlocked". Landlocked public land is entirely enclosed inside privately owned land - SB 1545 does not address landlocked public lands. Corner-locked public lands are not entirely enclosed but rather mixed among privately owned lands, usually in a checkerboard pattern of ownership where private and public land meet at the corners.



Checkerboard ownership west of Eugene highlights the difficulty the public often faces in accessing much of Oregon's public land.

Approximately 471,000 acres of public land in Oregon is corner-locked and accessible only by the act of corner crossing. SB 1545 provides a narrow description of corner crossing as “*to cross on foot from one parcel of public land to another parcel of public land by stepping across the corner where two parcels of public land and one or more parcels of private owned land meet.*” This definition provides clarity to what it means to corner cross: an individual may cross on foot, i.e. not a motorized crossing, and must remain on public land.



Three additional parameters included in SB 1545 further increase the requirements to which an individual in the act of corner crossing must comply to be exempt from a charge of trespass. The individual must adhere to all three parameters:

- 1) “*Is authorized to enter and remain on public land.*” The phrase “authorized to enter” provides that if the public land is closed to the public for any reason, such as fire danger, it nullifies the ability for individuals to be on the land.
- 2) “*Does not cause physical harm to the private landowner’s real or personal property.*” If an individual does cause physical harm to real or personal property that nullifies the corner crossing of its exemption from trespass.
- 3) “*Does not unreasonably interfere with the quiet enjoyment or use of the private landowner’s property.*” This utilizes the law of private nuisance, generally held between private landowners, in this instance used between individuals and private landowners.

SB 1545 establishes protections for neighboring private landowners by stipulating that an individual who corner crosses “*may not bring a claim for negligence or gross negligence against a private landowner for damages arising out of the act of corner crossing.*” These protections are not currently in place and have been added to further immunize private landowners from harm.

SB 1545 does not permit trespass on private land. As defined in the bill, corner crossing is stepping from public land to public land and, in the moment of crossing, momentarily occupying only the airspace above the private land. This cannot be interpreted as permitting criminal trespass on private lands due to the extremely narrow definition and parameters provided in the bill.

In Oregon, any individual accessing public land must be aware of their location respective to property boundaries. Oregon v. Hinton (2006), a trespass case involving private and public lands, affirmed this position. As applied to corner crossing, it is the individual’s responsibility to know their location relative to property boundaries and to ascertain if they can legally make a corner crossing, as defined in SB 1545.

SB 1545 ensures legal clarity for all Oregonians seeking to recreate on our public lands while also providing the necessary precautions and protections to immunize private landowners. OHA joins numerous recreation, sportsmen’s, conservation, and landowner organizations in supporting the balanced approach provided by SB 1545.

Thank you for your time,
 Amy Patrick
 On behalf of Oregon Hunters Association