

# Senate Bill 993

Sponsored by Senator BOQUIST (at the request of John S. Harkin)

## 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**.

Creates crime of unlawfully pointing a firearm at another person. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Creates crime of unlawful carrying of a handgun. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Increases penalties for crimes of criminal trespass while in possession of firearm, negligently wounding another person with firearm, unlawful possession of firearm, discharging firearm at train and discharging firearm across airport operational surface. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Directs Department of State Police to establish and maintain public database, available on website, of persons convicted of crime involving firearm.

## A BILL FOR AN ACT

1  
2 Relating to firearms; creating new provisions; amending ORS 131.602, 164.265, 166.180, 166.250,  
3 166.635, 166.638 and 166.715; and repealing ORS 166.190.

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

5 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS 166.250**  
6 **to 166.270.**

7 **SECTION 2. (1) A person commits the crime of unlawfully pointing a firearm at another**  
8 **person if the person intentionally points a loaded or unloaded firearm at another person.**

9 **(2) This section does not apply to:**

10 **(a) A person who points a firearm at another person for the purpose of self-defense or**  
11 **defense of a third person.**

12 **(b) A law enforcement officer lawfully performing official duties.**

13 **(3) Unlawfully pointing a firearm at another person is a Class C felony.**

14 **SECTION 3. (1) A person commits the crime of unlawful carrying of a handgun if the**  
15 **person carries an unholstered handgun in a public place.**

16 **(2) This section does not apply to:**

17 **(a) A person who temporarily unholsters a handgun for the purpose of self-defense or**  
18 **defense of a third person.**

19 **(b) A person carrying a handgun within a locked case.**

20 **(c) A person carrying a handgun at a shooting range, shooting gallery or other area de-**  
21 **signed and built for target shooting.**

22 **(d) A law enforcement officer lawfully performing official duties.**

23 **(3) Unlawful carrying of a handgun is a Class C felony.**

24 **(4) As used in this section, "public place" has the meaning given that term in ORS**  
25 **161.015.**

26 **SECTION 4. ORS 164.265 is amended to read:**

27 **164.265. (1) A person commits the crime of criminal trespass while in possession of a firearm**

**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 who, while in possession of a firearm, enters or remains unlawfully in or upon premises.

2 (2) Criminal trespass while in possession of a firearm is a Class [A misdemeanor] **C felony**.

3 **SECTION 5.** ORS 166.180 is amended to read:

4 166.180. (1) Any person who, [*as a result of failure to use ordinary care under the*  
5 *circumstances*] **with criminal negligence**, wounds any other person with a bullet or shot from any  
6 firearm, or with an arrow from any bow, commits:

7 (a) A Class B misdemeanor, **if the weapon used is a bow; or**

8 (b) **A Class C felony, if the weapon used is a firearm.**

9 (2) [*In addition, any*] **A** person [*so convicted shall forfeit*] **convicted under this section forfeits**  
10 any license to hunt, obtained under the laws of this state, and [*shall be*] **is** ineligible to obtain a li-  
11 cense to hunt for a period of 10 years following the date of conviction.

12 **SECTION 6.** ORS 166.250 is amended to read:

13 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,  
14 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession  
15 of a firearm if the person knowingly:

16 (a) Carries any firearm concealed upon the person;

17 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
18 cle; or

19 (c) Possesses a firearm and:

20 (A) Is under 18 years of age;

21 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
22 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
23 volving violence, as defined in ORS 166.470; and

24 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
25 charged under this section;

26 (C) Has been convicted of a felony;

27 (D) Was committed to the Oregon Health Authority under ORS 426.130;

28 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that  
29 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

30 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing  
31 or possessing a firearm;

32 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; or

33 (H) The possession of the firearm by the person is prohibited under ORS 166.255.

34 (2) This section does not prohibit:

35 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
36 sessed a firearm:

37 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
38 guardian or by another person with the consent of the minor's parent or guardian; or

39 (B) Temporarily for hunting, target practice or any other lawful purpose; or

40 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
41 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
42 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
43 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
44 keep any such firearm at the person's place of residence or place of business is required of any such  
45 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle

1 while used, for whatever period of time, as residential quarters.

2 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

3 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-  
4 cessible within the meaning of this section if the handgun is within the passenger compartment of  
5 the vehicle.

6 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage  
7 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-  
8 sible within the meaning of this section if:

9 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
10 container; and

11 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
12 container unlocks with a key.

13 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not  
14 readily accessible within the meaning of this section if:

15 (A) The handgun is in a locked container within or affixed to the vehicle; or

16 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the  
17 discharge of the firearm.

18 (5) Unlawful possession of a firearm is a Class [A *misdemeanor*] **C felony**.

19 **SECTION 7.** ORS 166.635 is amended to read:

20 166.635. (1) A person shall not knowingly throw an object at, drop an object on, or discharge a  
21 bow and arrow, air rifle, rifle, gun, revolver or other firearm at a railroad train, a person on a  
22 railroad train or a commodity being transported on a railroad train. This subsection does not pre-  
23 vent a peace officer or a railroad employee from performing the duty of a peace officer or railroad  
24 employee.

25 (2)(a) Violation of subsection (1) of this section is a misdemeanor.

26 **(b) Notwithstanding paragraph (a) of this subsection, violation of subsection (1) of this**  
27 **section is Class C felony if the offense involves the discharge of a firearm.**

28 **SECTION 8.** ORS 166.638 is amended to read:

29 166.638. (1)(a) Any person who knowingly or recklessly discharges any bow and arrow, gun, air  
30 gun or other firearm upon or across any airport operational surface commits a:

31 **(A) Class A misdemeanor; or**

32 **(B) A Class C felony, if the offense involves the discharge of a firearm.**

33 **(b)** Any bow and arrow, gun, air gun or other firearm in the possession of the person that was  
34 used in committing a violation of this subsection may be confiscated and forfeited to the State of  
35 Oregon, and the clear proceeds shall be deposited with the State Treasury in the Common School  
36 Fund.

37 (2) As used in subsection (1) of this section, "airport operational surface" means any surface of  
38 land or water developed, posted or marked so as to give an observer reasonable notice that the  
39 surface is developed for the purpose of storing, parking, taxiing or operating aircraft, or any surface  
40 of land or water when actually being used for such purpose.

41 (3) Subsection (1) of this section does not prohibit the discharge of firearms by peace officers in  
42 the performance of their duty or by military personnel within the confines of a military reservation,  
43 or otherwise lawful hunting, wildlife control or other discharging of firearms done with the consent  
44 of the proprietor, manager or custodian of the airport operational surface.

45 (4) The hunting license revocation provided in ORS 497.415 is in addition to and not in lieu of

1 the penalty provided in subsection (1) of this section.

2 **SECTION 9. (1) The Department of State Police shall establish and maintain a public**  
3 **database, available on a website, of the names and addresses of all persons convicted of a**  
4 **crime involving a firearm. The website must allow a member of the public to search for a**  
5 **particular individual or to see all persons in the database in a particular area.**

6 (2) When the court enters a judgment of conviction of a crime, the court shall indicate  
7 in the judgment document whether the offense involved a firearm.

8 (3)(a) Notwithstanding any other provision of law, when the Department of Transporta-  
9 tion receives notification that a person has changed residence address, the department shall  
10 determine if the person is in the database described in this section. If the department de-  
11 termines that the person is in the database, the department shall provide to the Department  
12 of State Police the new residence address, and the Department of State Police shall update  
13 the database with the new address.

14 (b) The Department of Transportation shall cooperate with any request for information  
15 from the Department of Police for the purposes of updating the database described in this  
16 section.

17 (4)(a) No later than December 31, 2025, the Department of State Police shall review  
18 judgments of conviction entered before the effective date of this 2023 Act and determine  
19 whether the crime of conviction involved a firearm. The Judicial Department shall cooperate  
20 with any request for assistance or information in making this determination.

21 (b) If the Department of State Police determines that the previous conviction involved a  
22 firearm, the department shall enter the person's name and last known address into the da-  
23 tabase.

24 (5) The Department of Transportation and the Department of State Police may adopt  
25 rules to carry out the provisions of this section.

26 (6) As used in this section, an offense involves a firearm if the person possessed, used,  
27 attempted to use or threatened to use a firearm during the commission of the offense.

28 **SECTION 10. ORS 166.190 is repealed.**

29 **SECTION 11.** ORS 131.602 is amended to read:

30 131.602. The crimes to which ORS 131.550 (12)(b) applies are:

- 31 (1) Bribe giving, as defined in ORS 162.015.
- 32 (2) Bribe receiving, as defined in ORS 162.025.
- 33 (3) Public investment fraud, as defined in ORS 162.117.
- 34 (4) Bribing a witness, as defined in ORS 162.265.
- 35 (5) Bribe receiving by a witness, as defined in ORS 162.275.
- 36 (6) Simulating legal process, as defined in ORS 162.355.
- 37 (7) Official misconduct in the first degree, as defined in ORS 162.415.
- 38 (8) Assisting another person to commit suicide, as defined in ORS 163.193.
- 39 (9) Custodial interference in the second degree, as defined in ORS 163.245.
- 40 (10) Custodial interference in the first degree, as defined in ORS 163.257.
- 41 (11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 42 (12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 43 (13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 44 (14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 45 (15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.

- 1 (16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as  
2 defined in ORS 163.688.
- 3 (17) Possession of materials depicting sexually explicit conduct of a child in the second degree,  
4 as defined in ORS 163.689.
- 5 (18) Theft in the second degree, as defined in ORS 164.045.
- 6 (19) Theft in the first degree, as defined in ORS 164.055.
- 7 (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- 8 (21) Extortion, as defined in ORS 164.075.
- 9 (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 10 (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 11 (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 12 (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 13 (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 14 (27) Laundering a monetary instrument, as defined in ORS 164.170.
- 15 (28) Engaging in a financial transaction in property derived from unlawful activity, as defined  
16 in ORS 164.172.
- 17 (29) Burglary in the second degree, as defined in ORS 164.215.
- 18 (30) Burglary in the first degree, as defined in ORS 164.225.
- 19 (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 20 (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 21 (33) Arson in the second degree, as defined in ORS 164.315.
- 22 (34) Arson in the first degree, as defined in ORS 164.325.
- 23 (35) Computer crime, as defined in ORS 164.377.
- 24 (36) Robbery in the third degree, as defined in ORS 164.395.
- 25 (37) Robbery in the second degree, as defined in ORS 164.405.
- 26 (38) Robbery in the first degree, as defined in ORS 164.415.
- 27 (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 28 (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- 29 (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 30 (42) A violation of ORS 164.886.
- 31 (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.
- 32 (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- 33 (44) Interference with agricultural operations, as defined in ORS 164.887.
- 34 (45) Forgery in the second degree, as defined in ORS 165.007.
- 35 (46) Forgery in the first degree, as defined in ORS 165.013.
- 36 (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 37 (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 38 (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- 39 (50) Criminal simulation, as defined in ORS 165.037.
- 40 (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 41 (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- 42 (53) Negotiating a bad check, as defined in ORS 165.065.
- 43 (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 44 (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 45 (56) Falsifying business records, as defined in ORS 165.080.

- 1 (57) Sports bribery, as defined in ORS 165.085.
- 2 (58) Sports bribe receiving, as defined in ORS 165.090.
- 3 (59) Misapplication of entrusted property, as defined in ORS 165.095.
- 4 (60) Issuing a false financial statement, as defined in ORS 165.100.
- 5 (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 6 (62) A violation of ORS 165.543.
- 7 (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 8 (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 9 (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 10 (66) Identity theft, as defined in ORS 165.800.
- 11 (67) *[A violation of ORS 166.190]* **Unlawfully pointing a firearm at another person, as de-**
- 12 **defined in section 2 of this 2023 Act.**
- 13 (68) Unlawful use of a weapon, as defined in ORS 166.220.
- 14 (69) A violation of ORS 166.240.
- 15 (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- 16 (71) A violation of ORS 166.270.
- 17 (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
- 18 firearms silencer, as defined in ORS 166.272.
- 19 (73) A violation of ORS 166.275.
- 20 (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 21 (75) A violation of ORS 166.370.
- 22 (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 23 (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 24 (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- 25 (79) A violation of ORS 166.410.
- 26 (80) Providing false information in connection with a transfer of a firearm, as defined in ORS
- 27 166.416.
- 28 (81) Improperly transferring a firearm, as defined in ORS 166.418.
- 29 (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 30 (83) A violation of ORS 166.429.
- 31 (84) A violation of ORS 166.470.
- 32 (85) A violation of ORS 166.480.
- 33 (86) A violation of ORS 166.635.
- 34 (87) A violation of ORS 166.638.
- 35 (88) Unlawful paramilitary activity, as defined in ORS 166.660.
- 36 (89) A violation of ORS 166.720.
- 37 (90) Prostitution, as defined in ORS 167.007.
- 38 (91) Commercial sexual solicitation, as defined in ORS 167.008.
- 39 (92) Promoting prostitution, as defined in ORS 167.012.
- 40 (93) Compelling prostitution, as defined in ORS 167.017.
- 41 (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 42 (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 43 (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 44 (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 45 (98) Possession of gambling records in the first degree, as defined in ORS 167.137.

- 1 (99) Possession of a gambling device, as defined in ORS 167.147.
- 2 (100) Possession of a gray machine, as defined in ORS 167.164.
- 3 (101) Cheating, as defined in ORS 167.167.
- 4 (102) Tampering with drug records, as defined in ORS 167.212.
- 5 (103) A violation of ORS 167.262.
- 6 (104) Research and animal interference, as defined in ORS 167.312.
- 7 (105) Animal abuse in the first degree, as defined in ORS 167.320.
- 8 (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 9 (107) Animal neglect in the first degree, as defined in ORS 167.330.
- 10 (108) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS
- 11 167.352.
- 12 (109) Involvement in animal fighting, as defined in ORS 167.355.
- 13 (110) Dogfighting, as defined in ORS 167.365.
- 14 (111) Participation in dogfighting, as defined in ORS 167.370.
- 15 (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 16 (113) Interference with livestock production, as defined in ORS 167.388.
- 17 (114) A violation of ORS 167.390.
- 18 (115) Participation in cockfighting, as defined in ORS 167.431.
- 19 (116) A violation of ORS 471.410.
- 20 (117) Failure to report missing precursor substances, as defined in ORS 475.955.
- 21 (118) Illegally selling drug equipment, as defined in ORS 475.960.
- 22 (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 23 (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 24 (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
- 25 (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 26 (123) A violation of ORS 475.916.
- 27 (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 28 (125) A violation of ORS 475.904.
- 29 (126) A violation of ORS 475C.337, if it is a felony or a Class A misdemeanor.
- 30 (127) A violation of ORS 475C.341, if it is a felony or a Class A misdemeanor.
- 31 (128) A violation of ORS 475C.345, if it is a felony or a Class A misdemeanor.
- 32 (129) A violation of ORS 475C.349, if it is a felony or a Class A misdemeanor.
- 33 (130) A violation of ORS 475C.229.
- 34 (131) Misuse of an identification card, as defined in ORS 807.430.
- 35 (132) Unlawful production of identification cards, licenses, permits, forms or camera cards, as
- 36 defined in ORS 807.500.
- 37 (133) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- 38 (134) Using an invalid license, as defined in ORS 807.580.
- 39 (135) Permitting misuse of a license, as defined in ORS 807.590.
- 40 (136) Using another's license, as defined in ORS 807.600.
- 41 (137) Criminal driving while suspended or revoked, as defined in ORS 811.182.
- 42 (138) Aggravated driving while suspended or revoked, as defined in ORS 163.196.
- 43 (139) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
- 44 felony.
- 45 (140) Unlawful distribution of cigarettes, as defined in ORS 323.482.

1 (141) Unlawful distribution of tobacco products, as defined in ORS 323.632.

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

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

4 (144) Subjecting another person to involuntary servitude in the first degree, as defined in ORS  
5 163.264.

6 (145) Subjecting another person to involuntary servitude in the second degree, as defined in ORS  
7 163.263.

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

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

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

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

12 **(150) Unlawful carrying of a handgun, as defined in section 3 of this 2023 Act.**

13 ~~[(150)]~~ (151) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to  
14 ~~[(149)]~~ (150) of this section if the attempt, conspiracy or solicitation is a felony or a Class A  
15 misdemeanor.

16 **SECTION 12.** ORS 166.715 is amended to read:

17 166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

18 (1) “Documentary material” means any book, paper, document, writing, drawing, graph, chart,  
19 photograph, phonograph record, magnetic tape, computer printout, other data compilation from  
20 which information can be obtained or from which information can be translated into usable form,  
21 or other tangible item.

22 (2) “Enterprise” includes any individual, sole proprietorship, partnership, corporation, business  
23 trust or other profit or nonprofit legal entity, and includes any union, association or group of indi-  
24 viduals associated in fact although not a legal entity, and both illicit and licit enterprises and gov-  
25 ernmental and nongovernmental entities.

26 (3) “Investigative agency” means the Department of Justice or any district attorney.

27 (4) “Pattern of racketeering activity” means engaging in at least two incidents of racketeering  
28 activity that have the same or similar intents, results, accomplices, victims or methods of commis-  
29 sion or otherwise are interrelated by distinguishing characteristics, including a nexus to the same  
30 enterprise, and are not isolated incidents, provided at least one of such incidents occurred after  
31 November 1, 1981, and that the last of such incidents occurred within five years after a prior inci-  
32 dent of racketeering activity. Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other  
33 provision of law providing that a previous prosecution is a bar to a subsequent prosecution, conduct  
34 that constitutes an incident of racketeering activity may be used to establish a pattern of  
35 racketeering activity without regard to whether the conduct previously has been the subject of a  
36 criminal prosecution or conviction or a juvenile court adjudication, unless the prosecution resulted  
37 in an acquittal or the adjudication resulted in entry of an order finding the youth not to be within  
38 the jurisdiction of the juvenile court.

39 (5) “Person” means any individual or entity capable of holding a legal or beneficial interest in  
40 real or personal property.

41 (6) “Racketeering activity” includes conduct of a person committed both before and after the  
42 person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to  
43 commit, or to solicit, coerce or intimidate another person to commit:

44 (a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following  
45 provisions of the Oregon Revised Statutes:

- 1 (A) ORS 59.005 to 59.505, 59.710 to 59.830, 59.991 and 59.995, relating to securities;
- 2 (B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;
- 3 (C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365, relating to obstructing
- 4 governmental administration;
- 5 (D) ORS 162.405 to 162.425, relating to abuse of public office;
- 6 (E) ORS 162.455, relating to interference with legislative operation;
- 7 (F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;
- 8 (G) ORS 163.160 to 163.205, relating to assault and related offenses;
- 9 (H) ORS 163.225 and 163.235, relating to kidnapping;
- 10 (I) ORS 163.275, relating to coercion;
- 11 (J) ORS 163.665 to 163.693, relating to sexual conduct of children;
- 12 (K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.098, 164.125, 164.135,
- 13 164.140, 164.215, 164.225 and 164.245 to 164.270, relating to theft, burglary, criminal trespass and
- 14 related offenses;
- 15 (L) ORS 164.315 to 164.335, relating to arson and related offenses;
- 16 (M) ORS 164.345 to 164.365, relating to criminal mischief;
- 17 (N) ORS 164.395 to 164.415, relating to robbery;
- 18 (O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of a
- 19 recording;
- 20 (P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and
- 21 related offenses;
- 22 (Q) ORS 165.080 to 165.109, relating to business and commercial offenses;
- 23 (R) ORS 165.540 and 165.555, relating to communication crimes;
- 24 (S) ORS 166.180, [166.190,] 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470 **and**
- 25 **sections 2 and 3 of this 2023 Act**, relating to firearms and other weapons;
- 26 (T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.057,
- 27 167.062 to 167.080, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365,
- 28 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, sexual conduct, gambling,
- 29 computer crimes involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting
- 30 bird and related offenses;
- 31 (U) ORS 171.990, relating to legislative witnesses;
- 32 (V) ORS 260.575 and 260.665, relating to election offenses;
- 33 (W) ORS 314.075, relating to income tax;
- 34 (X) ORS 180.440 (2) and 180.486 (2) and ORS chapter 323, relating to cigarette and tobacco
- 35 products taxes and the directories developed under ORS 180.425 and 180.477;
- 36 (Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments or medical
- 37 assistance benefits, and ORS 411.990 (2) and (3);
- 38 (Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;
- 39 (AA) ORS 463.995, relating to entertainment wrestling and unarmed combat sports, as defined
- 40 in ORS 463.015;
- 41 (BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405, 471.425, 471.442, 471.445,
- 42 471.446, 471.485, 471.490 and 471.675, relating to alcoholic liquor, and any of the provisions of ORS
- 43 chapter 471 relating to licenses issued under the Liquor Control Act;
- 44 (CC) ORS 475C.005 to 475C.525, relating to marijuana items as defined in ORS 475C.009;
- 45 (DD) ORS 475.005 to 475.285 and 475.752 to 475.980, relating to controlled substances;

- 1 (EE) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to explosives;
- 2 (FF) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;
- 3 (GG) ORS 658.452 or 658.991 (2) to (4), relating to labor contractors;
- 4 (HH) ORS chapter 706, relating to banking law administration;
- 5 (II) ORS chapter 714, relating to branch banking;
- 6 (JJ) ORS chapter 716, relating to mutual savings banks;
- 7 (KK) ORS chapter 723, relating to credit unions;
- 8 (LL) ORS chapter 726, relating to pawnbrokers;
- 9 (MM) ORS 166.382 and 166.384, relating to destructive devices;
- 10 (NN) ORS 165.074;
- 11 (OO) ORS 86A.095 to 86A.198, relating to mortgage bankers and mortgage brokers;
- 12 (PP) ORS chapter 496, 497 or 498, relating to wildlife;
- 13 (QQ) ORS 163.355 to 163.427, relating to sexual offenses;
- 14 (RR) ORS 166.015, relating to riot;
- 15 (SS) ORS 166.155 and 166.165, relating to bias crimes;
- 16 (TT) ORS chapter 696, relating to real estate and escrow;
- 17 (UU) ORS chapter 704, relating to outfitters and guides;
- 18 (VV) ORS 165.692, relating to making a false claim for health care payment;
- 19 (WW) ORS 162.117, relating to public investment fraud;
- 20 (XX) ORS 164.170 or 164.172;
- 21 (YY) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;
- 22 (ZZ) ORS 164.886;
- 23 (AAA) ORS 167.312 and 167.388;
- 24 (BBB) ORS 164.889;
- 25 (CCC) ORS 165.800; or
- 26 (DDD) ORS 163.263, 163.264 or 163.266.
- 27 (b) Any conduct defined as “racketeering activity” under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).
- 28 (7) “Unlawful debt” means any money or other thing of value constituting principal or interest
- 29 of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred
- 30 or contracted:
- 31 (a) In violation of any one of the following:
- 32 (A) ORS chapter 462, relating to racing;
- 33 (B) ORS 167.108 to 167.164, relating to gambling; or
- 34 (C) ORS 82.010 to 82.170, relating to interest and usury.
- 35 (b) In gambling activity in violation of federal law or in the business of lending money at a rate
- 36 usurious under federal or state law.
- 37 (8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute
- 38 in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions
- 39 from what the statute was when this section was enacted, the reference shall extend to and include
- 40 amendments to the statute.