

REVENUE: Revenue statement issued
FISCAL: No fiscal impact

Action: Do Pass and Be Placed on the Consent Calendar
Vote: 7 - 0 - 2
Yeas: Bonamici, Cameron, Flores, Komp, Krieger, Whisnant, Macpherson
Nays: 0
Exc.: Barker, Read
Prepared By: Darian Stanford, Counsel
Meeting Dates: 1/26

WHAT THE MEASURE DOES: Amends ORS 131.602 and ORS 323.632 by adding unlawful distribution of tobacco products to list of crimes to which criminal forfeiture applies.

ISSUES DISCUSSED:

- Examples of “tobacco products” (which are separate from cigarettes) as chewing tobacco, cigars, “roll your own” tobacco

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Criminal forfeiture refers to the taking of property by the State due to the property’s relationship with criminal activity. This property can take the form of “proceeds” (e.g., money a drug dealer makes) or “instrumentalities” (e.g., car a drug dealer uses to transport drugs).

Presently, ORS 131.602 delineates 134 crimes for which the State may seize instrumentalities. The crime of unlawful distribution of tobacco products (ORS 323.632) is not included. This omission appears to be inadvertent for two reasons: (1) the closely related offense of unlawful distribution of cigarettes is included and (2) the Tobacco Products Tax Act (ORS 323.630(7)) specifically provides that tobacco product crimes are subject to the seizure of instrumentalities.

HB 2142 corrects this omission and adds “unlawful distribution of tobacco products” to ORS 131.602. It also amends ORS 323.632, which defines the crime of unlawful distribution of tobacco products, to specifically state that forfeiture is available.