

House Bill 2351

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Governor Theodore R. Kulongoski)

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**.

Allows trial of defendant charged with forgery, identity theft or certain related offenses either in county in which offense occurred or in which victim resides.

A BILL FOR AN ACT

1
2 Relating to venue in criminal actions; amending ORS 131.315.

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

4 **SECTION 1.** ORS 131.315 is amended to read:

5 131.315. (1) If conduct constituting elements of an offense or results constituting elements of an
6 offense occur in two or more counties, trial of the offense may be held in any of the counties con-
7 cerned.

8 (2) If a cause of death is inflicted on a person in one county and the person dies therefrom in
9 another county, trial of the offense may be held in either county.

10 (3) If the commission of an offense commenced outside this state is consummated within this
11 state, trial of the offense shall be held in the county in which the offense is consummated or the
12 interest protected by the criminal statute in question is impaired.

13 (4) If an offense is committed on any body of water located in, or adjacent to, two or more
14 counties or forming the boundary between two or more counties, trial of the offense may be held in
15 any nearby county bordering on the body of water.

16 (5) If an offense is committed in or upon any railroad car, vehicle, aircraft, boat or other
17 conveyance in transit and it cannot readily be determined in which county the offense was com-
18 mitted, trial of the offense may be held in any county through or over which the conveyance passed.

19 (6) If an offense is committed on the boundary of two or more counties or within one mile
20 thereof, trial of the offense may be held in any of the counties concerned.

21 (7) A person who commits theft, burglary or robbery may be tried in any county in which the
22 person exerts control over the property that is the subject of the crime.

23 (8) If the offense is an attempt or solicitation to commit a crime, trial of the offense may be held
24 in any county in which any act that is an element of the offense is committed.

25 (9) If the offense is criminal conspiracy, trial of the offense may be held in any county in which
26 any act or agreement that is an element of the offense occurs.

27 (10) A person who in one county commits an inchoate offense that results in the commission of
28 an offense by another person in another county, or who commits the crime of hindering prosecution
29 of the principal offense, may be tried in either county.

30 (11) A criminal nonsupport action may be tried in any county in which the dependent child is
31 found, irrespective of the domicile of the parent, guardian or other person lawfully charged with

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 support of the child.

2 (12) If the offense is theft and the offense consists of an aggregate transaction involving more
3 than one county, trial of the offense may be held in any county in which one of the acts of theft
4 was committed.

5 (13) When a prosecution is for violation of the Oregon Securities Law, the trial of the offense
6 may be held in the county in which:

7 (a) The offer to purchase or sell securities took place or where the sale or purchase of securities
8 took place; or

9 (b) Any act that is an element of the offense occurred.

10 (14) When a prosecution under ORS 165.692 and 165.990 or 411.675 and 411.990 (2) and (3) in-
11 volves Medicaid funds, the trial of the offense may be held in the county in which the claim was
12 submitted for payment or in the county in which the claim was paid.

13 **(15)(a) A person who commits an offense listed in this subsection may be tried in the**
14 **county in which the offense occurred or the county in which the victim resides. A person**
15 **who commits multiple offenses listed in this subsection may be tried in any county in which**
16 **an offense was committed or in which a victim resides, with the consent of the district at-**
17 **torneys of the involved counties.**

18 **(b) This subsection applies to the following offenses:**

19 **(A) Forgery in the second degree under ORS 165.007.**

20 **(B) Forgery in the first degree under ORS 165.013.**

21 **(C) Criminal possession of a forged instrument in the second degree under ORS 165.017.**

22 **(D) Criminal possession of a forged instrument in the first degree under ORS 165.022.**

23 **(E) Fraudulent use of a credit card under ORS 165.055.**

24 **(F) Identity theft under ORS 165.800.**

25 **(G) Unlawful possession of fictitious identification under ORS 165.813.**

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