

House Bill 2649

Sponsored by Representative COWAN; Representatives BARKER, KOMP, KRIEGER, READ, P SMITH, WHISNANT, Senator PROZANSKI (at the request of Rob Bovett, Oregon Narcotics Enforcement Association)

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 possession of vehicle with hidden compartment. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Creates crime of installing hidden compartment in vehicle. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Authorizes forfeiture of vehicle upon conviction.

A BILL FOR AN ACT

1 Relating to hidden compartments in vehicles; creating new provisions; and amending ORS 161.005.

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

3 **SECTION 1. (1) A person commits the crime of possession of a vehicle with a hidden**
4 **compartment if the person knowingly owns or operates any vehicle that contains a false or**
5 **hidden compartment integrated into the vehicle with the intent to facilitate the commission**
6 **of a criminal offense by concealing, hiding or preventing discovery of the compartment or its**
7 **contents by law enforcement officers.**

8 (2) Possession of a vehicle with a hidden compartment is a Class A misdemeanor.

9 **SECTION 2. (1) A person commits the crime of installing a hidden compartment in a**
10 **vehicle if the person knowingly installs, creates, builds or fabricates in any vehicle a false**
11 **or hidden compartment integrated into the vehicle with the intent to facilitate the commis-**
12 **sion of a criminal offense by concealing, hiding or preventing discovery of the compartment**
13 **or its contents by law enforcement officers.**

14 (2) Installing a hidden compartment in a vehicle is a Class C felony.

15 **SECTION 3. (1) Except as provided in subsection (4) of this section, ORS 131.550 to 131.600**
16 **do not apply to the forfeiture, under this section, of a vehicle with a hidden compartment.**

17 (2) Except as provided in subsection (3) of this section, upon motion of the district at-
18 torney, at the time of sentencing for an offense described in section 2 or 3 of this 2007 Act,
19 the court shall declare the vehicle to be contraband and order that the vehicle be forfeited.

20 (3) If the vehicle with a hidden compartment was stolen from its lawful owner, the court
21 may not order that the vehicle be forfeited but shall order that the vehicle be restored to
22 the lawful owner as soon as the vehicle is no longer needed for evidentiary purposes.

23 (4) The court shall release a vehicle forfeited under subsection (2) of this section to the
24 law enforcement agency that seized the vehicle. The law enforcement agency may destroy
25 or sell the vehicle after disabling the false compartment, use the vehicle as a service vehicle
26 or use the vehicle for training, identification or demonstration purposes. When a vehicle is
27 sold pursuant to this subsection, the law enforcement agency shall pay the proceeds from
28 the sale, less the costs of the sale, as provided in ORS 131.594 and 131.597.
29

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 **SECTION 4.** ORS 161.005 is amended to read:
2 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290
3 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,
4 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to
5 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.160 to 163.208, 163.215 to 163.257, 163.275,
6 163.285, 163.305 to 163.467, 163.505 to 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.140,
7 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.877, 165.002 to 165.109, 165.805,
8 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.060 to 167.100, 167.117,
9 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350, 167.810 and 167.820[,] **and**
10 **sections 1, 2 and 3 of this 2007 Act** shall be known and may be cited as Oregon Criminal Code
11 of 1971.

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