

SENATE AMENDMENTS TO SENATE BILL 331

By COMMITTEE ON JUDICIARY

April 19

1 In line 2 of the printed bill, after “theft” insert “; creating new provisions; and amending ORS
2 166.715”.

3 In line 11, delete “(A)” and delete “180-day” and insert “90-day”.

4 In line 12, delete “\$1,000; or” and insert “\$5,000.”.

5 Delete line 13.

6 After line 17, insert:

7 “**SECTION 3.** ORS 166.715 is amended to read:

8 “166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

9 “(1) ‘Documentary material’ means any book, paper, document, writing, drawing, graph, chart,
10 photograph, phonograph record, magnetic tape, computer printout, other data compilation from
11 which information can be obtained or from which information can be translated into usable form,
12 or other tangible item.

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

17 “(3) ‘Investigative agency’ means the Department of Justice or any district attorney.

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

30 “(5) ‘Person’ means any individual or entity capable of holding a legal or beneficial interest in
31 real or personal property.

32 “(6) ‘Racketeering activity’ includes conduct of a person committed both before and after the
33 person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to
34 commit, or to solicit, coerce or intimidate another person to commit:

35 “(a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following

1 provisions of the Oregon Revised Statutes:

2 “(A) ORS 59.005 to 59.451, 59.660 to 59.830, 59.991 and 59.995, relating to securities;

3 “(B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;

4 “(C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365, relating to obstruct-
5 ing governmental administration;

6 “(D) ORS 162.405 to 162.425, relating to abuse of public office;

7 “(E) ORS 162.455, relating to interference with legislative operation;

8 “(F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;

9 “(G) ORS 163.160 to 163.205, relating to assault and related offenses;

10 “(H) ORS 163.225 and 163.235, relating to kidnapping;

11 “(I) ORS 163.275, relating to coercion;

12 “(J) ORS 163.670 to 163.693, relating to sexual conduct of children;

13 “(K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.125, 164.135, 164.140,
14 164.215, 164.225 and 164.245 to 164.270[,] **and section 2 of this 2007 Act**, relating to theft, burglary,
15 criminal trespass and related offenses;

16 “(L) ORS 164.315 to 164.335, relating to arson and related offenses;

17 “(M) ORS 164.345 to 164.365, relating to criminal mischief;

18 “(N) ORS 164.395 to 164.415, relating to robbery;

19 “(O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of
20 a recording;

21 “(P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and
22 related offenses;

23 “(Q) ORS 165.080 to 165.109, relating to business and commercial offenses;

24 “(R) ORS 165.485 to 165.515, 165.540 and 165.555, relating to communication crimes;

25 “(S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470, relating
26 to firearms and other weapons;

27 “(T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.062
28 to 167.080, 167.087, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365,
29 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, gambling, computer crimes
30 involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting bird and related
31 offenses;

32 “(U) ORS 171.990, relating to legislative witnesses;

33 “(V) ORS 260.575 and 260.665, relating to election offenses;

34 “(W) ORS 314.075, relating to income tax;

35 “(X) ORS 180.440 (2) and ORS chapter 323, relating to cigarette and tobacco products taxes and
36 the directory developed under ORS 180.425;

37 “(Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments, and ORS
38 411.990 (2) and (3);

39 “(Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;

40 “(AA) ORS 463.995, relating to boxing and wrestling, as defined 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 475.005 to 475.285 and 475.840 to 475.980, relating to controlled substances;

45 “(DD) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to explosives;

1 “(EE) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;
2 “(FF) ORS 658.452 or 658.991 (2) to (4), relating to farm labor contractors;
3 “(GG) ORS chapter 706, relating to banking law administration;
4 “(HH) ORS chapter 714, relating to branch banking;
5 “(II) ORS chapter 716, relating to mutual savings banks;
6 “(JJ) ORS chapter 723, relating to credit unions;
7 “(KK) ORS chapter 726, relating to pawnbrokers;
8 “(LL) ORS 166.382 and 166.384, relating to destructive devices;
9 “(MM) ORS 165.074;
10 “(NN) ORS 59.840 to 59.980, relating to mortgage bankers and mortgage brokers;
11 “(OO) ORS chapter 496, 497 or 498, relating to wildlife;
12 “(PP) ORS 163.355 to 163.427, relating to sexual offenses;
13 “(QQ) ORS 166.015, relating to riot;
14 “(RR) ORS 166.155 and 166.165, relating to intimidation;
15 “(SS) ORS chapter 696, relating to real estate and escrow;
16 “(TT) ORS chapter 704, relating to outfitters and guides;
17 “(UU) ORS 165.692, relating to making a false claim for health care payment;
18 “(VV) ORS 162.117, relating to public investment fraud;
19 “(WW) ORS 164.170 or 164.172;
20 “(XX) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;
21 “(YY) ORS 164.877;
22 “(ZZ) ORS 167.312 and 167.388;
23 “(AAA) ORS 164.889; or
24 “(BBB) ORS 165.800.
25 “(b) Any conduct defined as ‘racketeering activity’ under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).
26 “(7) ‘Unlawful debt’ means any money or other thing of value constituting principal or interest
27 of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred
28 or contracted:
29 “(a) In violation of any one of the following:
30 “(A) ORS chapter 462, relating to racing;
31 “(B) ORS 167.108 to 167.164, relating to gambling; or
32 “(C) ORS 82.010 to 82.170, relating to interest and usury.
33 “(b) In gambling activity in violation of federal law or in the business of lending money at a rate
34 usurious under federal or state law.
35 “(8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute
36 in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions
37 from what the statute was when this section was enacted, the reference shall extend to and include
38 amendments to the statute.”.
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