

House Bill 2403

Sponsored by Representative COWAN (at the request of 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**.

Authorizes forfeiture of vehicle with hidden compartment if vehicle used or intended for use in commission of criminal offense. Provides that law enforcement agency seizing forfeited vehicle may destroy, sell or use vehicle.

A BILL FOR AN ACT

1
2 Relating to forfeiture; creating new provisions; and amending ORS 163.707.

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

4 **SECTION 1.** ORS 163.707 is amended to read:

5 163.707. (1) A motor vehicle used by the owner in a drive-by shooting is subject to civil in rem
6 forfeiture[.]

7 [*(2) Seizure and forfeiture proceedings under this section shall be conducted*] in accordance with
8 ORS chapter 475A.

9 **(2) A vehicle with a hidden compartment that is used or intended to be used to facilitate**
10 **the commission of a criminal offense is contraband and subject to forfeiture:**

11 **(a) In accordance with ORS 131.550 to 131.600;**

12 **(b) In accordance with ORS chapter 475A; or**

13 **(c) Upon motion of the district attorney at the time of sentencing for the criminal of-**
14 **fense. The court shall release a vehicle forfeited under this paragraph to the law enforce-**
15 **ment agency that seized the vehicle. The law enforcement agency may destroy the vehicle,**
16 **sell the vehicle after disabling the hidden compartment or use the vehicle as a service vehicle**
17 **or for training, identification or demonstration purposes.**

18 **(3) Notwithstanding subsection (2)(c) of this section, a vehicle with a hidden compartment**
19 **that was stolen from its lawful owner is not subject to forfeiture and the court shall order**
20 **the vehicle returned to its lawful owner as soon as the vehicle is no longer needed for**
21 **evidentiary purposes.**

22 [*(3)*] **(4)** As used in this section[.]:

23 **(a)** "Drive-by shooting" means discharge of a firearm from a motor vehicle while committing or
24 attempting to commit:

25 [*(a)*] **(A)** Aggravated murder under ORS 163.095;

26 [*(b)*] **(B)** Murder under ORS 163.115;

27 [*(c)*] **(C)** Manslaughter in any degree under ORS 163.118 or 163.125;

28 [*(d)*] **(D)** Assault in any degree under ORS 163.160, 163.165, 163.175 or 163.185;

29 [*(e)*] **(E)** Menacing under ORS 163.190;

30 [*(f)*] **(F)** Recklessly endangering another person under ORS 163.195;

31 [*(g)*] **(G)** Assaulting a public safety officer under ORS 163.208; or

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 *[(h)]* **(H)** Intimidation in any degree under ORS 166.155 or 166.165.

2 **(b) “Hidden compartment” means a box, container, space or enclosure that is integrated**
3 **into a vehicle and is designed to conceal, hide or otherwise prevent discovery of its contents.**

4 **(c) “Vehicle” has the meaning given that term in ORS 801.590.**

5 **SECTION 2. The amendments to ORS 163.707 by section 1 of this 2009 Act apply to vehi-**
6 **cles seized on or after the effective date of this 2009 Act.**

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