

A-Engrossed
House Bill 2498

Ordered by the Senate May 26
Including Senate Amendments dated May 26

Sponsored by COMMITTEE ON JUDICIARY (at the request of Port of Portland)

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.

Creates crime of endangering aircraft in the second degree. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Expands Port of Portland's regulatory and policing authority to port properties owned, operated, maintained or controlled by port.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to aviation safety; amending ORS 131.602, 153.005, 164.885, 778.260 and 801.395; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 164.885 is amended to read:

6 164.885. (1) A person commits the crime of endangering aircraft **in the first degree** if the person
7 knowingly:

8 (a) Throws an object at, or drops an object upon, an aircraft;

9 (b) Discharges a bow and arrow, gun, airgun or firearm at or toward an aircraft;

10 (c) Tampers with [*any*] **an** aircraft or [*aircraft equipment, fuel, lubricant or parts*] **a part, sys-**
11 **tem, machine or substance used to operate an aircraft** in **such** a manner [*such*] as to impair the
12 safety, efficiency or operation of [*the*] **an** aircraft[, *unless the person does so with*] **without** the con-
13 sent of the owner, operator or possessor of the aircraft; or

14 (d) Places, sets, arms or causes to be discharged [*any*] **a** spring gun, trap, explosive device or
15 explosive material with the intent of damaging, destroying or discouraging the operation of [*any*]
16 **an** aircraft.

17 **(2)(a) Except as provided in paragraph (b) of this subsection, a person commits the crime**
18 **of endangering aircraft in the second degree if the person knowingly possesses a firearm or**
19 **deadly weapon in a restricted access area of a commercial service airport that has at least**
20 **2 million passenger boardings per calendar year.**

21 **(b) Paragraph (a) of this subsection does not apply to a person authorized under federal**
22 **law or an airport security program to possess a firearm or deadly weapon in a restricted**
23 **access area.**

24 [(2)] **(3)(a) Endangering aircraft in the first degree** is a Class C felony.

25 **(b) Endangering aircraft in the second degree** is a Class A misdemeanor.

26 **(4) As used in this section, "restricted access area" means an area of a commercial ser-**

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 **vice airport that is:**

2 (a) **Designated as restricted in the airport security program approved by the federal**
3 **Transportation Security Administration; and**

4 (b) **Marked at points of entry with signs giving notice that access to the area is re-**
5 **stricted.**

6 **SECTION 2.** ORS 778.260 is amended to read:

7 778.260. (1) The board of the Port of Portland in accordance with ORS 198.510 to 198.600 may
8 by ordinance [*make, modify or abolish*] **adopt, amend or repeal** regulations as convenient or nec-
9 essary to provide for policing or regulating the use of [*airports,*] **properties owned, operated,**
10 **maintained or controlled by the port** and of [*any*] facilities located at or in conjunction with
11 [*airports, owned, operated, maintained or controlled by the port*] **these properties.**

12 (2) The port may appoint peace officers who [*shall have the same authority as other peace officers,*
13 *for the enforcement of port, city and county ordinances and state laws at airports owned, operated,*
14 *maintained or controlled by the port*] **have all the powers and authority given by statute to peace**
15 **officers of this state.**

16 (3) This section does not limit the authority of a state, county or municipal peace officer to
17 enforce state laws and city and county ordinances at [*airports*] **properties** owned, operated, main-
18 tained or controlled by the port **and at facilities located at or in conjunction with these prop-**
19 **erties.**

20 **SECTION 3.** ORS 153.005 is amended to read:

21 153.005. As used in this chapter:

22 (1) "Enforcement officer" means:

23 (a) A member of the Oregon State Police.

24 (b) A sheriff or deputy sheriff.

25 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

26 (d) An investigator of a district attorney's office if the investigator is or has been certified as
27 a peace officer in this or any other state.

28 (e) An investigator of the Criminal Justice Division of the Department of Justice of the State
29 of Oregon.

30 (f) **A Port of Portland peace officer.**

31 [*f*] (g) Any other person specifically authorized by law to issue citations for the commission
32 of violations.

33 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

34 (3) "Violation" means an offense described in ORS 153.008.

35 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that
36 charges a person with commission of a violation.

37 **SECTION 4.** ORS 801.395 is amended to read:

38 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
39 sheriff, a city police officer, **a Port of Portland peace officer** or a law enforcement officer em-
40 ployed by a service district established under ORS 451.410 to 451.610 for the purpose of law
41 enforcement services.

42 **SECTION 5.** ORS 131.602 is amended to read:

43 131.602. The crimes to which ORS 131.550 (11)(b) applies are:

44 (1) Bribe giving, as defined in ORS 162.015.

45 (2) Bribe receiving, as defined in ORS 162.025.

- 1 (3) Public investment fraud, as defined in ORS 162.117.
- 2 (4) Bribing a witness, as defined in ORS 162.265.
- 3 (5) Bribe receiving by a witness, as defined in ORS 162.275.
- 4 (6) Simulating legal process, as defined in ORS 162.355.
- 5 (7) Official misconduct in the first degree, as defined in ORS 162.415.
- 6 (8) Custodial interference in the second degree, as defined in ORS 163.245.
- 7 (9) Custodial interference in the first degree, as defined in ORS 163.257.
- 8 (10) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 9 (11) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 10 (12) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 11 (13) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 12 (14) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- 13 (15) Possession of materials depicting sexually explicit conduct of a child in the first degree, as
14 defined in ORS 163.688.
- 15 (16) Possession of materials depicting sexually explicit conduct of a child in the second degree,
16 as defined in ORS 163.689.
- 17 (17) Theft in the second degree, as defined in ORS 164.045.
- 18 (18) Theft in the first degree, as defined in ORS 164.055.
- 19 (19) Aggravated theft in the first degree, as defined in ORS 164.057.
- 20 (20) Theft by extortion, as defined in ORS 164.075.
- 21 (21) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 22 (22) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 23 (23) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 24 (24) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 25 (25) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 26 (26) Laundering a monetary instrument, as defined in ORS 164.170.
- 27 (27) Engaging in a financial transaction in property derived from unlawful activity, as defined
28 in ORS 164.172.
- 29 (28) Burglary in the second degree, as defined in ORS 164.215.
- 30 (29) Burglary in the first degree, as defined in ORS 164.225.
- 31 (30) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 32 (31) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 33 (32) Arson in the second degree, as defined in ORS 164.315.
- 34 (33) Arson in the first degree, as defined in ORS 164.325.
- 35 (34) Computer crime, as defined in ORS 164.377.
- 36 (35) Robbery in the third degree, as defined in ORS 164.395.
- 37 (36) Robbery in the second degree, as defined in ORS 164.405.
- 38 (37) Robbery in the first degree, as defined in ORS 164.415.
- 39 (38) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 40 (39) Unlawful recording of a live performance, as defined in ORS 164.869.
- 41 (40) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 42 (41) A violation of ORS 164.886.
- 43 (42)(a) Endangering aircraft **in the first degree**, as defined in ORS 164.885.
- 44 **(b) Endangering aircraft in the second degree, as defined in ORS 164.885.**
- 45 (43) Interference with agricultural operations, as defined in ORS 164.887.

- 1 (44) Forgery in the second degree, as defined in ORS 165.007.
- 2 (45) Forgery in the first degree, as defined in ORS 165.013.
- 3 (46) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 4 (47) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 5 (48) Criminal possession of a forgery device, as defined in ORS 165.032.
- 6 (49) Criminal simulation, as defined in ORS 165.037.
- 7 (50) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 8 (51) Fraudulent use of a credit card, as defined in ORS 165.055.
- 9 (52) Negotiating a bad check, as defined in ORS 165.065.
- 10 (53) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 11 (54) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 12 (55) Falsifying business records, as defined in ORS 165.080.
- 13 (56) Sports bribery, as defined in ORS 165.085.
- 14 (57) Sports bribe receiving, as defined in ORS 165.090.
- 15 (58) Misapplication of entrusted property, as defined in ORS 165.095.
- 16 (59) Issuing a false financial statement, as defined in ORS 165.100.
- 17 (60) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 18 (61) A violation of ORS 165.543.
- 19 (62) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 20 (63) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 21 (64) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 22 (65) Identity theft, as defined in ORS 165.800.
- 23 (66) A violation of ORS 166.190.
- 24 (67) Unlawful use of a weapon, as defined in ORS 166.220.
- 25 (68) A violation of ORS 166.240.
- 26 (69) Unlawful possession of a firearm, as defined in ORS 166.250.
- 27 (70) A violation of ORS 166.270.
- 28 (71) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
29 firearms silencer, as defined in ORS 166.272.
- 30 (72) A violation of ORS 166.275.
- 31 (73) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 32 (74) A violation of ORS 166.370.
- 33 (75) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 34 (76) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 35 (77) Possession of a hoax destructive device, as defined in ORS 166.385.
- 36 (78) A violation of ORS 166.410.
- 37 (79) Providing false information in connection with a transfer of a firearm, as defined in ORS
38 166.416.
- 39 (80) Improperly transferring a firearm, as defined in ORS 166.418.
- 40 (81) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 41 (82) A violation of ORS 166.429.
- 42 (83) A violation of ORS 166.470.
- 43 (84) A violation of ORS 166.480.
- 44 (85) A violation of ORS 166.635.
- 45 (86) A violation of ORS 166.638.

- 1 (87) Unlawful paramilitary activity, as defined in ORS 166.660.
- 2 (88) A violation of ORS 166.720.
- 3 (89) Prostitution, as defined in ORS 167.007.
- 4 (90) Promoting prostitution, as defined in ORS 167.012.
- 5 (91) Compelling prostitution, as defined in ORS 167.017.
- 6 (92) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 7 (93) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 8 (94) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 9 (95) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 10 (96) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 11 (97) Possession of a gambling device, as defined in ORS 167.147.
- 12 (98) Possession of a gray machine, as defined in ORS 167.164.
- 13 (99) Cheating, as defined in ORS 167.167.
- 14 (100) Tampering with drug records, as defined in ORS 167.212.
- 15 (101) A violation of ORS 167.262.
- 16 (102) Research and animal interference, as defined in ORS 167.312.
- 17 (103) Animal abuse in the first degree, as defined in ORS 167.320.
- 18 (104) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 19 (105) Animal neglect in the first degree, as defined in ORS 167.330.
- 20 (106) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS
- 21 167.352.
- 22 (107) Involvement in animal fighting, as defined in ORS 167.355.
- 23 (108) Dogfighting, as defined in ORS 167.365.
- 24 (109) Participation in dogfighting, as defined in ORS 167.370.
- 25 (110) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 26 (111) Interference with livestock production, as defined in ORS 167.388.
- 27 (112) A violation of ORS 167.390.
- 28 (113) A violation of ORS 471.410.
- 29 (114) Failure to report missing precursor substances, as defined in ORS 475.955.
- 30 (115) Illegally selling drug equipment, as defined in ORS 475.960.
- 31 (116) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 32 (117) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 33 (118) A violation of ORS 475.840, if it is a felony or a Class A misdemeanor.
- 34 (119) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 35 (120) A violation of ORS 475.916.
- 36 (121) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 37 (122) A violation of ORS 475.904.
- 38 (123) Misuse of an identification card, as defined in ORS 807.430.
- 39 (124) Unlawful production of identification cards, licenses, permits, forms or camera cards, as
- 40 defined in ORS 807.500.
- 41 (125) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- 42 (126) Using an invalid license, as defined in ORS 807.580.
- 43 (127) Permitting misuse of a license, as defined in ORS 807.590.
- 44 (128) Using another's license, as defined in ORS 807.600.
- 45 (129) Criminal driving while suspended or revoked, as defined in ORS 811.182, when it is a fel-

1 ony.

2 (130) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
3 felony.

4 (131) Unlawful distribution of cigarettes, as defined in ORS 323.482.

5 (132) Unlawful distribution of tobacco products, as defined in ORS 323.632.

6 (133) A violation of ORS 180.440 (2).

7 (134) A violation described in ORS 475.846 to 475.894, if it is a felony.

8 (135) Subjecting another person to involuntary servitude in the first degree, as defined in ORS
9 163.264.

10 (136) Subjecting another person to involuntary servitude in the second degree, as defined in ORS
11 163.263.

12 (137) Trafficking in persons, as defined in ORS 163.266.

13 (138) Furnishing sexually explicit material to a child, as defined in ORS 167.054.

14 (139) Luring a minor, as defined in ORS 167.057.

15 (140) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.

16 (141) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.

17 (142) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to (141) of this
18 section if the attempt, conspiracy or solicitation is a felony or a Class A misdemeanor.

19 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
21 **on its passage.**

22