

# House Bill 3490

Sponsored by Representative J SMITH, Senator SCHRADER; Representatives BARKER, BENTZ, BERGER, BEYER, BOONE, BRUUN, CLEM, C EDWARDS, FREEMAN, GILLIAM, HANNA, HUFFMAN, JENSON, KENNEMER, KOMP, OLSON, READ, RILEY, ROBLAN, SCHAUFLE, SPRENGER, STIEGLER, VANORMAN, WEIDNER, WHISNANT, WITT, Senators ATKINSON, BATES, GIROD, JOHNSON, MONROE, MORSE, WALKER

## 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**.

Modifies theft in first degree to include theft of agricultural property under certain circumstances.

## A BILL FOR AN ACT

Relating to agricultural theft; creating new provisions; and amending ORS 164.055.

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

**SECTION 1.** ORS 164.055 is amended to read:

164.055. (1) A person commits the crime of theft in the first degree if, by other than extortion, the person commits theft as defined in ORS 164.015 and:

(a) The total value of the property in a single or aggregate transaction is \$200 or more in a case of theft by receiving, and \$750 or more in any other case;

(b) The theft is committed during a riot, fire, explosion, catastrophe or other emergency in an area affected by the riot, fire, explosion, catastrophe or other emergency;

(c) The theft is theft by receiving committed by buying, selling, borrowing or lending on the security of the property;

(d) The subject of the theft is a firearm or explosive;

(e) The subject of the theft is a livestock animal, a companion animal or a wild animal removed from habitat or born of a wild animal removed from habitat, pursuant to ORS 497.308 (2)(c); *[or]*

(f) The subject of the theft is a precursor substance; **or**

**(g)(A) The subject of the theft is agricultural property that is valued at \$100 or more;**

**(B) The theft is committed from property that has been granted farm use special assessment under ORS 308A.050 to 308A.128; and**

**(C) During the commission of the theft, the person:**

**(i) Commits criminal trespass in the second degree as defined in ORS 164.245; and**

**(ii) Causes damage to property.**

(2) As used in this section:

(a) **“Agricultural property” means horticultural products, viticultural products, fruits, berries, vegetables, hops, mint oil, hazelnuts or other nuts, dairy products, bee products, hay or straw baled and prepared for market and Christmas trees as defined in ORS 571.505.**

*[(a)]* (b) **“Companion animal” means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.**

*[(b)]* (c) **“Explosive” means a chemical compound, mixture or device that is commonly used 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 intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous  
2 release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin,  
3 blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.110 (1), black powder,  
4 smokeless powder, small arms ammunition and small arms ammunition primers.

5 [(c)] (d) "Firearm" means a weapon, by whatever name known, which is designed to expel a  
6 projectile by the action of black powder or smokeless powder and which is readily capable of use  
7 as a weapon.

8 [(d)] (e) "Livestock animal" means a ratite, psittacine, horse, gelding, mare, stallion, colt, mule,  
9 ass, jenny, bull, steer, cow, calf, goat, sheep, lamb, llama, pig or hog.

10 [(e)] (f) "Precursor substance" has the meaning given that term in ORS 475.940.

11 (3) Theft in the first degree is a Class C felony.

12 **SECTION 2. The amendments to ORS 164.055 by section 1 of this 2009 Act apply to con-**  
13 **duct occurring on or after the effective date of this 2009 Act.**

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