

Corrected

**A-Engrossed**  
**House Bill 2384**

Ordered by the House April 26  
Including House Amendments dated April 26

Sponsored by Representatives BARNHART, THATCHER, TOMEI; Representatives CAMERON, GREENLICK, JOHNSON, MATTHEWS (Pre-session filed.)

**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.

Authorizes civil **and criminal** forfeiture of motor vehicle if person is convicted of *[offense]* **certain offenses** relating to driving while suspended or revoked.

*[Increases penalty for second or subsequent conviction of driving while suspended or revoked. Punishes second or subsequent conviction by maximum of 30 days' imprisonment, \$1,250 fine, or both.]*

**A BILL FOR AN ACT**

1  
2 Relating to driving offenses; creating new provisions; and amending ORS 131.602.

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

4 **SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of the Oregon**  
5 **Vehicle Code.**

6 **SECTION 2. (1) A motor vehicle may be seized for forfeiture if the person operating the**  
7 **motor vehicle is arrested or issued a citation for criminal driving while suspended or revoked**  
8 **under ORS 811.182 or aggravated driving while suspended or revoked under ORS 163.196, and**  
9 **the person, within three years prior to the arrest or issuance of the citation, has been con-**  
10 **victed of:**

11 (a) **Criminal driving while suspended or revoked under ORS 811.182; or**

12 (b) **Aggravated driving while suspended or revoked under ORS 163.196.**

13 (2) **All seizure and forfeiture proceedings under this section shall be conducted in ac-**  
14 **cordance with ORS chapter 131A.**

15 **SECTION 3. A law enforcement agency, as defined in ORS 136.595, may not seize a vehicle**  
16 **for forfeiture under ORS 131.602 (132) or (133) or section 2 of this 2013 Act, unless the agency**  
17 **has adopted policies and procedures for seizure, including policies relating to when a police**  
18 **officer may seize a motor vehicle for forfeiture under ORS 131.602 (132) or (133) or section 2**  
19 **of this 2013 Act.**

20 **SECTION 4. ORS 131.602 is amended to read:**

21 131.602. The crimes to which ORS 131.550 (12)(b) applies are:

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

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

24 (3) Public investment fraud, as defined in ORS 162.117.

25 (4) Bribing a witness, as defined in ORS 162.265.

**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 (5) Bribe receiving by a witness, as defined in ORS 162.275.
- 2 (6) Simulating legal process, as defined in ORS 162.355.
- 3 (7) Official misconduct in the first degree, as defined in ORS 162.415.
- 4 (8) Assisting another person to commit suicide, as defined in ORS 163.193.
- 5 (9) Custodial interference in the second degree, as defined in ORS 163.245.
- 6 (10) Custodial interference in the first degree, as defined in ORS 163.257.
- 7 (11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 8 (12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 9 (13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 10 (14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 11 (15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- 12 (16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as  
13 defined in ORS 163.688.
- 14 (17) Possession of materials depicting sexually explicit conduct of a child in the second degree,  
15 as defined in ORS 163.689.
- 16 (18) Theft in the second degree, as defined in ORS 164.045.
- 17 (19) Theft in the first degree, as defined in ORS 164.055.
- 18 (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- 19 (21) Theft by extortion, as defined in ORS 164.075.
- 20 (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 21 (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 22 (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 23 (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 24 (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 25 (27) Laundering a monetary instrument, as defined in ORS 164.170.
- 26 (28) Engaging in a financial transaction in property derived from unlawful activity, as defined  
27 in ORS 164.172.
- 28 (29) Burglary in the second degree, as defined in ORS 164.215.
- 29 (30) Burglary in the first degree, as defined in ORS 164.225.
- 30 (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 31 (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 32 (33) Arson in the second degree, as defined in ORS 164.315.
- 33 (34) Arson in the first degree, as defined in ORS 164.325.
- 34 (35) Computer crime, as defined in ORS 164.377.
- 35 (36) Robbery in the third degree, as defined in ORS 164.395.
- 36 (37) Robbery in the second degree, as defined in ORS 164.405.
- 37 (38) Robbery in the first degree, as defined in ORS 164.415.
- 38 (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 39 (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- 40 (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 41 (42) A violation of ORS 164.886.
- 42 (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.
- 43 (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- 44 (44) Interference with agricultural operations, as defined in ORS 164.887.
- 45 (45) Forgery in the second degree, as defined in ORS 165.007.

- 1 (46) Forgery in the first degree, as defined in ORS 165.013.
- 2 (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 3 (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 4 (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- 5 (50) Criminal simulation, as defined in ORS 165.037.
- 6 (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 7 (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- 8 (53) Negotiating a bad check, as defined in ORS 165.065.
- 9 (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 10 (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 11 (56) Falsifying business records, as defined in ORS 165.080.
- 12 (57) Sports bribery, as defined in ORS 165.085.
- 13 (58) Sports bribe receiving, as defined in ORS 165.090.
- 14 (59) Misapplication of entrusted property, as defined in ORS 165.095.
- 15 (60) Issuing a false financial statement, as defined in ORS 165.100.
- 16 (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 17 (62) A violation of ORS 165.543.
- 18 (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 19 (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 20 (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 21 (66) Identity theft, as defined in ORS 165.800.
- 22 (67) A violation of ORS 166.190.
- 23 (68) Unlawful use of a weapon, as defined in ORS 166.220.
- 24 (69) A violation of ORS 166.240.
- 25 (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- 26 (71) A violation of ORS 166.270.
- 27 (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or  
28 firearms silencer, as defined in ORS 166.272.
- 29 (73) A violation of ORS 166.275.
- 30 (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 31 (75) A violation of ORS 166.370.
- 32 (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 33 (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 34 (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- 35 (79) A violation of ORS 166.410.
- 36 (80) Providing false information in connection with a transfer of a firearm, as defined in ORS  
37 166.416.
- 38 (81) Improperly transferring a firearm, as defined in ORS 166.418.
- 39 (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 40 (83) A violation of ORS 166.429.
- 41 (84) A violation of ORS 166.470.
- 42 (85) A violation of ORS 166.480.
- 43 (86) A violation of ORS 166.635.
- 44 (87) A violation of ORS 166.638.
- 45 (88) Unlawful paramilitary activity, as defined in ORS 166.660.

- 1 (89) A violation of ORS 166.720.
- 2 (90) Prostitution, as defined in ORS 167.007.
- 3 (91) Patronizing a prostitute, as defined in ORS 167.008.
- 4 (92) Promoting prostitution, as defined in ORS 167.012.
- 5 (93) Compelling prostitution, as defined in ORS 167.017.
- 6 (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 7 (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 8 (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 9 (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 10 (98) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 11 (99) Possession of a gambling device, as defined in ORS 167.147.
- 12 (100) Possession of a gray machine, as defined in ORS 167.164.
- 13 (101) Cheating, as defined in ORS 167.167.
- 14 (102) Tampering with drug records, as defined in ORS 167.212.
- 15 (103) A violation of ORS 167.262.
- 16 (104) Research and animal interference, as defined in ORS 167.312.
- 17 (105) Animal abuse in the first degree, as defined in ORS 167.320.
- 18 (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 19 (107) Animal neglect in the first degree, as defined in ORS 167.330.
- 20 (108) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS  
21 167.352.
- 22 (109) Involvement in animal fighting, as defined in ORS 167.355.
- 23 (110) Dogfighting, as defined in ORS 167.365.
- 24 (111) Participation in dogfighting, as defined in ORS 167.370.
- 25 (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 26 (113) Interference with livestock production, as defined in ORS 167.388.
- 27 (114) A violation of ORS 167.390.
- 28 (115) Participation in cockfighting, as defined in ORS 167.431.
- 29 (116) A violation of ORS 471.410.
- 30 (117) Failure to report missing precursor substances, as defined in ORS 475.955.
- 31 (118) Illegally selling drug equipment, as defined in ORS 475.960.
- 32 (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 33 (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 34 (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
- 35 (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 36 (123) A violation of ORS 475.916.
- 37 (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 38 (125) A violation of ORS 475.904.
- 39 (126) Misuse of an identification card, as defined in ORS 807.430.
- 40 (127) Unlawful production of identification cards, licenses, permits, forms or camera cards, as  
41 defined in ORS 807.500.
- 42 (128) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- 43 (129) Using an invalid license, as defined in ORS 807.580.
- 44 (130) Permitting misuse of a license, as defined in ORS 807.590.
- 45 (131) Using another's license, as defined in ORS 807.600.

1 (132) Criminal driving while suspended or revoked, as defined in ORS 811.182[, *when it is a*  
2 *felony*].

3 **(133) Aggravated driving while suspended or revoked, as defined in ORS 163.196.**

4 [(133)] (134) Driving while under the influence of intoxicants, as defined in ORS 813.010, when  
5 it is a felony.

6 [(134)] (135) Unlawful distribution of cigarettes, as defined in ORS 323.482.

7 [(135)] (136) Unlawful distribution of tobacco products, as defined in ORS 323.632.

8 [(136)] (137) A violation of ORS 180.440 (2) or 180.486 (2).

9 [(137)] (138) A violation described in ORS 475.806 to 475.894, if it is a felony.

10 [(138)] (139) Subjecting another person to involuntary servitude in the first degree, as defined  
11 in ORS 163.264.

12 [(139)] (140) Subjecting another person to involuntary servitude in the second degree, as defined  
13 in ORS 163.263.

14 [(140)] (141) Trafficking in persons, as defined in ORS 163.266.

15 [(141)] (142) Luring a minor, as defined in ORS 167.057.

16 [(142)] (143) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.

17 [(143)] (144) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.

18 [(144)] (145) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to  
19 [(143)] (144) of this section if the attempt, conspiracy or solicitation is a felony or a Class A  
20 misdemeanor.

21 **SECTION 5. Section 2 of this 2013 Act and the amendments to ORS 131.602 by section 4**  
22 **of this 2013 Act apply to offenses occurring on or after the effective date of this 2013 Act.**

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