

A-Engrossed
House Bill 2595

Ordered by the House April 24
Including House Amendments dated April 24

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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 interference with state forestland management in the second degree. Makes violation subject to maximum penalty of one year's imprisonment, \$6,250 fine, or both.

Creates crime of interference with state forestland management in the first degree. [*Makes violation subject to maximum penalty of five years' imprisonment, \$125,000 fine, or both. Requires mandatory minimum term of 13 months' imprisonment for first conviction and five years' imprisonment for subsequent convictions.*] **Makes first conviction subject to maximum penalty of one year's imprisonment, \$6,250 fine, or both. Makes second or subsequent conviction subject to maximum penalty of 18 months' imprisonment, \$125,000 fine, or both. Requires mandatory minimum term of 13 months' imprisonment and mandatory minimum fine of \$25,000 for second or subsequent conviction.**

A BILL FOR AN ACT

1
2 Relating to interference with forest management.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "Access road" means a road owned or maintained by the State Forestry Department
6 as a means of reaching the exterior boundary of state forestland.

7 (b) "Forest practice" has the meaning given that term in ORS 527.620.

8 (c) "State forestland" means:

9 (A) Forestland acquired under ORS 530.010 to 530.040; and

10 (B) Common School Forest Lands and Elliott State Forest Lands managed under ORS
11 530.490.

12 (2) A person commits the crime of interference with state forestland management in the
13 second degree if:

14 (a) The State Forestry Department or any public or private entity authorized by the de-
15 partment is performing or attempting to perform a forest practice on state forestland; and

16 (b) The person, while on state forestland or on an access road, intentionally hinders,
17 impairs or obstructs, or attempts to hinder, impair or obstruct, the performance of the for-
18 est practice. For purposes of this paragraph, communicative behavior hinders, impairs or
19 obstructs the performance of the forest practice only if the manner or place of the behavior
20 presents a physical impediment to all or part of the forest practice.

21 (3) Subsection (2) of this section does not apply to a person, or an authorized agent or
22 representative of a person:

23 (a) Who is present on the state forestland or access road as a business invitee or as a

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 licensee by invitation; or

2 (b) Who is engaging in the exercise of a right, duty or privilege of the person created
3 under a contract entered into by the department or by the public or private entity.

4 (4) The crime of interference with state forestland management in the second degree is
5 a Class A misdemeanor.

6 **SECTION 2.** (1) As used in this section:

7 (a) "Access road," "forest practice" and "state forestland" have the meanings given those
8 terms in section 1 of this 2013 Act.

9 (b) "Law enforcement officer" means a person employed in this state as a police officer
10 by:

11 (A) A county sheriff, constable or marshal; or

12 (B) A municipal or state police agency.

13 (2) A person commits the crime of interference with state forestland management in the
14 first degree if:

15 (a) The State Forestry Department or any public or private entity authorized by the de-
16 partment is performing or attempting to perform a forest practice on state forestland;

17 (b) The person, while on state forestland or on an access road, intentionally hinders,
18 impairs or obstructs, or attempts to hinder, impair or obstruct, the performance of the for-
19 est practice;

20 (c) A law enforcement officer informs the person that the person is unlawfully interfer-
21 ing with state forestland management;

22 (d) A law enforcement officer orders the person to cease impairing, hindering or ob-
23 structing the performance of the forest practice, or to cease attempting to hinder, impair
24 or obstruct the performance of the forest practice; and

25 (e) The person fails to obey the order to cease hindering, impairing or obstructing the
26 performance of the forest practice or attempting to hinder, impair or obstruct the perform-
27 ance of the forest practice.

28 (3) For purposes of subsection (2)(b) of this section, communicative behavior hinders,
29 impairs or obstructs the performance of the forest practice only if the manner or place of
30 the behavior presents a physical impediment to all or part of the forest practice.

31 (4) Subsection (2) of this section does not apply to a person, or an authorized agent or
32 representative of a person:

33 (a) Who is present on the state forestland or access road as a business invitee or as a
34 licensee by invitation; or

35 (b) Who is engaging in the exercise of a right, duty or privilege of the person created
36 under a contract entered into by the department or by the public or private entity.

37 (5) The crime of interference with state forestland management in the first degree:

38 (a) Is a Class A misdemeanor for a first conviction under this section.

39 (b) Is a Class C felony if the person has a previous conviction under this section. A court
40 finding a person guilty of a felony under this section shall impose a term of imprisonment
41 of not less than 13 months and not more than 18 months and impose a fine of not less than
42 \$25,000. As used in this paragraph, "previous conviction" means a conviction that was en-
43 tered before commission of the current crime of conviction.

44 **SECTION 3.** Sections 1 and 2 of this 2013 Act apply to conduct that occurs on or after
45 the effective date of this 2013 Act, including but not limited to any conduct on or after the

1 **effective date of this 2013 Act that is a continuation of conduct initiated prior to the effective**
2 **date of this 2013 Act.**

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