

House Bill 2335

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 **as introduced**.

Revises definition of "enter or remain unlawfully" for purposes of crimes of burglary and criminal trespass.

A BILL FOR AN ACT

1
2 Relating to the definition of "enter or remain unlawfully"; amending ORS 164.205.

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

4 **SECTION 1.** ORS 164.205 is amended to read:

5 164.205. As used in ORS 164.205 to 164.270, except as the context requires otherwise:

6 (1) "Building," in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft
7 or other structure adapted for overnight accommodation of persons or for carrying on business
8 therein. Where a building consists of separate units, including, but not limited to, separate apart-
9 ments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate
10 building.

11 (2) "Dwelling" means a building which regularly or intermittently is occupied by a person
12 lodging therein at night, whether or not a person is actually present.

13 (3) "Enter or remain unlawfully" means:

14 (a) To enter or remain in or upon premises when the premises, at the time of such entry or re-
15 maining, are not open to the public [*or*] **and** when the entrant is not otherwise licensed or privileged
16 to do so;

17 (b) To fail to leave premises that are open to the public after being lawfully directed to do so
18 by the person in charge;

19 (c) To enter premises that are open to the public after being lawfully directed not to enter the
20 premises; or

21 (d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.

22 (4) "Open to the public" means premises which by their physical nature, function, custom, usage,
23 notice or lack thereof or other circumstances at the time would cause a reasonable person to believe
24 that no permission to enter or remain is required.

25 (5) "Person in charge" means a person, a representative or employee of the person who has
26 lawful control of premises by ownership, tenancy, official position or other legal relationship.
27 "Person in charge" includes, but is not limited to the person, or holder of a position, designated as
28 the person or position-holder in charge by the Governor, board, commission or governing body of
29 any political subdivision of this state.

30 (6) "Premises" includes any building and any real property, whether privately or publicly owned.
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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.