

House Bill 2615

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**.

Reduces penalty of theft committed by returning stolen merchandise if value of merchandise is under \$1,000. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, if value of merchandise is \$100 or more, or maximum of 30 days' imprisonment, \$1,250 fine, or both, if value of merchandise is under \$100.

A BILL FOR AN ACT

1
2 Relating to theft by receiving; amending ORS 164.055.

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

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

5 164.055. (1) A person commits the crime of theft in the first degree if, by means other than
6 extortion, the person commits theft as defined in ORS 164.015 and:

7 (a) The total value of the property in a single or aggregate transaction is \$1,000 or more;

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

10 (c) The theft is theft by receiving committed by buying, [*selling*,] borrowing or lending on the
11 security of the property, **or by selling the property in circumstances other than the return of**
12 **stolen merchandise taken from a mercantile establishment;**

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

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

16 (f) The subject of the theft is a precursor substance.

17 (2) As used in this section:

18 (a) "Companion animal" means a dog or cat possessed by a person, business or other entity for
19 purposes of companionship, security, hunting, herding or providing assistance in relation to a phys-
20 ical disability.

21 (b) "Explosive" means a chemical compound, mixture or device that is commonly used or in-
22 tended for the purpose of producing a chemical reaction resulting in a substantially instantaneous
23 release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin,
24 blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder,
25 smokeless powder, small arms ammunition and small arms ammunition primers.

26 (c) "Firearm" has the meaning given that term in ORS 166.210.

27 (d) "Livestock animal" means a ratite, psittacine, horse, gelding, mare, filly, stallion, colt, mule,
28 ass, jenny, bull, steer, cow, calf, goat, sheep, lamb, llama, pig or hog.

29 (e) "**Mercantile establishment**" has the meaning given that term in ORS 30.870.

30 (f) "**Merchandise**" has the meaning given that term in ORS 30.870.

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 [(e)] (g) "Precursor substance" has the meaning given that term in ORS 475.940.
2 (3) Theft in the first degree is a Class C felony.
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