

**HB 2959 -1 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/11

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**WHAT THE MEASURE DOES:**

Amends the crime of offensive littering to include the discharging of human waste. Declares an emergency.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Creates a separate offense of discharging human waste upon the land of another classified as a Class C Violation. Creates an affirmative defense to the offense of discharging human waste if a person took steps to conceal the offense from public view and detection and had no reasonable access to toilet facilities at the time.

**BACKGROUND:**

A person commits the crime of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally discarding or depositing any rubbish, trash, garbage, or other refuse upon the land of another without permission of the owner, or upon any public way. The ordinary meaning of those words do not encompass the conduct of urinating on the side of a building because urine and urination were found to not fit within any of the ordinary meanings of the terms used in the statute.

House Bill 2959 amends ORS 164.805 to include the act of discharging human waste to the crime of offensive littering.