

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2959**

1 Delete lines 5 through 24 of the printed bill and insert:

2 **“SECTION 1.** ORS 164.805 is amended to read:

3 “164.805. (1) A person commits the [*crime*] **offense** of offensive littering
4 if the person creates an objectionable stench or degrades the beauty or ap-
5 pearance of property or detracts from the natural cleanliness or safety of
6 property by intentionally:

7 “(a) Discarding or depositing any rubbish, trash, garbage, debris or other
8 refuse upon the land of another without permission of the owner, or upon
9 any public way or in or upon any public transportation facility;

10 **“(b) Discharging human waste upon the land of another without**
11 **permission of the owner, or upon any public way or in or upon any**
12 **public transportation facility;**

13 “[*b*] (c) Draining, or causing or permitting to be drained, sewage or the
14 drainage from a cesspool, septic tank, recreational or camping vehicle waste
15 holding tank or other contaminated source, upon the land of another without
16 permission of the owner, or upon any public way; or

17 “[*c*] (d) Permitting any rubbish, trash, garbage, debris or other refuse
18 to be thrown from a vehicle that the person is operating. This subsection
19 does not apply to a person operating a vehicle transporting passengers for
20 hire subject to regulation by the Department of Transportation or a person
21 operating a school bus described under ORS 801.460.

1 “(2) As used in this section:

2 “(a) ‘Public transportation facility’ has the meaning given that term in
3 ORS 164.365.

4 “(b) ‘Public way’ includes, but is not limited to, roads, streets, alleys,
5 lanes, trails, beaches, parks and all recreational facilities operated by the
6 state, a county or a local municipality for use by the general public.

7 “(3)(a) Offensive littering **as provided in subsection (1)(a), (c) or (d)**
8 **of this section** is a Class C misdemeanor.

9 “(b) **Offensive littering as provided in subsection (1)(b) of this sec-**
10 **tion is a Class C violation.**

11 “(4) **In a prosecution under subsection (1)(b) of this section, it is a**
12 **defense that, during the act giving rise to the charge:**

13 “(a) **The person had no reasonable access to a toilet facility;**

14 “(b) **The person took reasonable care to be concealed from public**
15 **view;**

16 “(c) **The person was not on private property or school grounds; and**

17 “(d) **The location was unlikely to create, detectable to the public,**
18 **an objectionable stench, nuisance or offensive condition.”.**

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