

DRAFT

SUMMARY

Provides that venue is proper in county in which victim resides for specified offenses, and in any county in which one offense was committed when defendant is charged with committing two or more property offenses against same victim within 180 days.

Authorizes reimbursement for cleaning expenses related to death of person as part of crime victims' compensation program.

Expands crime of coercion to include using physical force to cause person to move, or prevent person from moving, from one place to another. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; amending ORS 131.315, 131.325,
3 147.005, 147.035, 163.275 and 419C.349; and prescribing an effective date.

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

5 **SECTION 1.** ORS 131.315 is amended to read:

6 131.315. (1) If conduct constituting elements of an offense or results con-
7 stituting elements of an offense occur in two or more counties, trial of the
8 offense may be held in any of the counties concerned.

9 (2) If a cause of death is inflicted on a person in one county and the
10 person dies therefrom in another county, trial of the offense may be held in
11 either county.

12 (3) If the commission of an offense commenced outside this state is con-
13 summated within this state, trial of the offense shall be held in the county
14 in which the offense is consummated or the interest protected by the crimi-
15 nal statute in question is impaired.

1 (4) If an offense is committed on any body of water located in, or adjacent
2 to, two or more counties or forming the boundary between two or more
3 counties, trial of the offense may be held in any nearby county bordering on
4 the body of water.

5 (5) If an offense is committed in or upon any railroad car, vehicle, air-
6 craft, boat or other conveyance in transit and it cannot readily be deter-
7 mined in which county the offense was committed, trial of the offense may
8 be held in any county through or over which the conveyance passed.

9 (6) If an offense is committed on the boundary of two or more counties
10 or within one mile thereof, trial of the offense may be held in any of the
11 counties concerned.

12 (7) A person who commits theft, burglary or robbery may be tried in any
13 county in which the person exerts control over the property that is the
14 subject of the crime.

15 (8) If the offense is an attempt or solicitation to commit a crime, trial of
16 the offense may be held in any county in which any act that is an element
17 of the offense is committed.

18 (9) If the offense is criminal conspiracy, trial of the offense may be held
19 in any county in which any act or agreement that is an element of the of-
20 fense occurs.

21 (10) A person who in one county commits an inchoate offense that results
22 in the commission of an offense by another person in another county, or who
23 commits the crime of hindering prosecution of the principal offense, may be
24 tried in either county.

25 (11) A criminal nonsupport action may be tried in any county in which
26 the dependent child is found, irrespective of the domicile of the parent,
27 guardian or other person lawfully charged with support of the child.

28 (12) If the offense is theft, forgery or identity theft and the offense con-
29 sists of an aggregate transaction involving more than one county, trial of the
30 offense may be held in any county in which one of the acts of theft, forgery
31 or identity theft was committed.

1 (13) When a prosecution is for violation of the Oregon Securities Law, the
2 trial of the offense may be held in the county in which:

3 (a) The offer to purchase or sell securities took place or where the sale
4 or purchase of securities took place; or

5 (b) Any act that is an element of the offense occurred.

6 (14) When a prosecution under ORS 165.692 and 165.990 or 411.675 and
7 411.990 (2) and (3) involves Medicaid funds, the trial of the offense may be
8 held in the county in which the claim was submitted for payment or in the
9 county in which the claim was paid.

10 (15)(a) If the offense is stalking under ORS 163.732 and involves contacts
11 as defined in ORS 163.730 in more than one county, trial of the offense may
12 be held in any county in which a contact occurred.

13 (b) If the offense is violating a court's stalking protective order under
14 ORS 163.750, trial of the offense may be held in the county in which the
15 defendant engaged in conduct prohibited by the order or in the county in
16 which the order was issued.

17 **(16) If two of more of the following offenses, in any combination,**
18 **are committed by the defendant against the same victim within a**
19 **180-day period, the offenses may be tried in any county in which one**
20 **of the offenses was committed:**

21 **(a) Theft in the second degree under ORS 164.045;**

22 **(b) Theft in the first degree under ORS 164.055;**

23 **(c) Aggravated theft in the first degree under ORS 164.057;**

24 **(d) Unauthorized use of a vehicle under ORS 164.135;**

25 **(e) Mail theft or receipt of stolen mail under ORS 164.162;**

26 **(f) Burglary in the second degree under ORS 164.215;**

27 **(g) Burglary in the first degree under ORS 164.225;**

28 **(h) Computer crime under ORS 164.377;**

29 **(i) Robbery in the third degree under ORS 164.395;**

30 **(j) Robbery in the second degree under ORS 164.405;**

31 **(k) Robbery in the first degree under ORS 164.415;**

- 1 **(L) Forgery in the second degree under ORS 165.007;**
2 **(m) Forgery in the first degree under ORS 165.013;**
3 **(n) Criminal possession of a forged instrument in the second degree**
4 **under ORS 165.017;**
5 **(o) Criminal possession of a forged instrument in the first degree**
6 **under ORS 165.022;**
7 **(p) Fraudulent use of a credit card under ORS 165.055;**
8 **(q) Identity theft under ORS 165.800;**
9 **(r) Aggravated identity theft under ORS 165.803;**
10 **(s) Possession of a stolen vehicle under ORS 819.300; or**
11 **(t) An attempt to commit an offense listed in paragraphs (a) to (s)**
12 **of this subsection.**

13 **SECTION 2.** ORS 131.325 is amended to read:

14 131.325. If an offense is committed within the state and it cannot readily
15 be determined within which county the commission took place, or a statute
16 that governs conduct outside the state is violated, trial may be held in the
17 county in which the defendant resides, **the county in which the victim**
18 **resides** or, if the defendant has no fixed residence in this state, in the
19 county in which the defendant is apprehended or to which the defendant is
20 extradited.

21 **SECTION 3.** ORS 147.005 is amended to read:

22 147.005. As used in ORS 147.005 to 147.367 unless the context requires
23 otherwise:

24 (1) “Applicant” means:

25 (a) Any victim of a compensable crime who applies to the Department of
26 Justice for compensation under ORS 147.005 to 147.367;

27 (b) Any person who was a dependent of a deceased victim at the time of
28 the death of that victim;

29 (c) Any person who is a survivor of a deceased victim; or

30 (d) Any person eligible for compensation under ORS 147.025.

31 (2) “Board” means the Workers’ Compensation Board.

1 (3) "Child" means an unmarried person who is under 18 years of age and
2 includes a posthumous child, stepchild or an adopted child.

3 (4) **"Cleaning expenses" means expenses reasonably related to the**
4 **cleaning of, and the removal of any organic or inorganic matter from,**
5 **a private residence or place of business due to the death of a person**
6 **or conduct that caused the death of a person.**

7 [(4)] (5) "Compensable crime" means abuse of corpse in any degree or an
8 intentional, knowing, reckless or criminally negligent act that results in in-
9 jury or death of another person and that, if committed by a person of full
10 legal capacity, would be punishable as a crime in this state.

11 [(5)] (6) "Counseling" has the meaning given that term by the department
12 by rule.

13 [(6)] (7) "Dependent" means such relatives of a deceased victim who
14 wholly or partially were dependent upon the victim's income at the time of
15 death or would have been so dependent but for the victim's incapacity due
16 to the injury from which the death resulted.

17 [(7)] (8) "Department" means the Department of Justice.

18 [(8)] (9) "Funeral expenses" means expenses of the funeral, burial,
19 cremation, reduction or other chosen method of interment, including plot or
20 tomb and other necessary incidents to the disposition of the remains and also
21 including, in the case of abuse of corpse in any degree, reinterment.

22 [(9)] (10) "Injury" means abuse of a corpse or actual bodily harm and,
23 with respect to a victim, includes pregnancy and mental or nervous shock.

24 [(10)] (11) "International terrorism" means activities that:

25 (a) Involve violent acts or acts dangerous to human life that are a vio-
26 lation of the criminal laws of the United States or any state or that would
27 be a criminal violation if committed within the jurisdiction of the United
28 States or of any state;

29 (b) Appear to be intended to:

30 (A) Intimidate or coerce a civilian population;

31 (B) Influence the policy of a government by intimidation or coercion; or

1 (C) Affect the conduct of a government by assassination or kidnapping;
2 and

3 (c) Occur primarily outside the territorial jurisdiction of the United
4 States or transcend national boundaries in terms of the means by which they
5 are accomplished, the persons they appear intended to intimidate or coerce,
6 or the locale in which their perpetrators operate or seek asylum.

7 [(11)] (12) “Involved in the hearing” and “involved in the oral argument”
8 have the meaning given those terms by the department by rule.

9 [(12)] (13) “Law enforcement official” means a sheriff, constable, marshal,
10 municipal police officer or member of the Oregon State Police and such other
11 persons as may be designated by law as a peace officer.

12 [(13)] (14) “Reduction” has the meaning given that term in ORS 97.010.

13 [(14)] (15) “Relative” means a person related to the victim within the
14 third degree as determined by the common law, a spouse, or an individual
15 related to the spouse within the third degree as so determined and includes
16 an individual in an adoptive relationship.

17 [(15)] (16) “Survivor” means any spouse, parent, grandparent, guardian,
18 sibling, child or other immediate family member or household member of a
19 deceased victim.

20 [(16)] (17) “Victim” means:

21 (a) A person:

22 (A) Killed or injured in this state as a result of a compensable crime
23 perpetrated or attempted against that person;

24 (B) Killed or injured in this state while attempting to assist a person
25 against whom a compensable crime is being perpetrated or attempted, if that
26 attempt of assistance would be expected of a reasonable person under the
27 circumstances;

28 (C) Killed or injured in this state while assisting a law enforcement offi-
29 cial to apprehend a person who has perpetrated a crime or to prevent the
30 perpetration of any such crime, if that assistance was in response to the
31 express request of the law enforcement official;

1 (D) Killed or injured in another state as a result of a criminal episode
2 that began in this state;

3 (E) Who is an Oregon resident killed or injured as a result of a
4 compensable crime perpetrated or attempted against the person in a state,
5 within the United States, without a reciprocal crime victims' compensation
6 program; or

7 (F) Who is an Oregon resident killed or injured by an act of international
8 terrorism committed outside the United States; or

9 (b) In the case of abuse of corpse in any degree, the corpse or a relative
10 of the corpse.

11 **SECTION 4.** ORS 147.035 is amended to read:

12 147.035. (1)(a) Except as otherwise provided in ORS 147.025 and 147.390,
13 compensation may be awarded under ORS 147.005 to 147.367 only for losses
14 described in this section.

15 (b) The maximum amount of compensation that may be awarded, in ag-
16 gregate, to the victim and the survivors and dependents of a deceased victim
17 is \$47,000.

18 (c) When a compensable crime results in:

19 (A) Injury to a victim, the losses described in subsections (2), (4), (7) and
20 (8) of this section are compensable.

21 (B) Death to a victim, the losses described in subsections (3), (4), (6), (7)
22 and (8) of this section are compensable.

23 (2) When a claim for compensation is filed in a case of injury, compen-
24 sation may be awarded for:

25 (a) The victim's reasonable medical and hospital expenses, including
26 counseling expenses, up to a maximum amount of \$20,000;

27 (b) Loss of the victim's earnings, at a maximum rate of \$600 per week,
28 up to a maximum amount of \$20,000;

29 (c) The victim's rehabilitation expenses, up to a maximum amount of
30 \$4,000; and

31 (d) Expenses related to transportation for the victim's medical care or

1 counseling, at a rate determined by the Department of Justice, up to a maximum amount of \$3,000, when:

3 (A) The medical care or counseling is compensable under this section;

4 (B) The medical care or counseling is provided more than 30 miles away from the victim's residence; and

6 (C) Adequate medical care or counseling is not available in closer proximity to the victim's residence.

8 (3) When a claim for compensation is filed in a case of death, compensation may be awarded for:

10 (a) Reasonable funeral expenses, up to a maximum amount of \$5,000;

11 (b) The victim's reasonable medical and hospital expenses, up to a maximum amount of \$20,000;

13 (c) Loss of support to the dependents of the victim, at a maximum rate of \$600 per week, up to a maximum amount of \$20,000, less any amounts awarded for loss of earnings under subsection (2)(b) of this section;

16 (d) Reasonable counseling expenses for the survivors of a deceased victim, up to a maximum amount of \$20,000 for each deceased victim and including up to \$1,500 for each survivor for prescription medications prescribed in conjunction with the counseling; *[and]*

20 (e) Expenses related to transportation for a survivor's or a dependent's counseling, at a rate determined by the department, up to a maximum amount of \$3,000, when:

23 (A) The counseling is compensable under this section;

24 (B) The counseling is provided more than 30 miles away from the survivor's or dependent's residence; and

26 (C) Adequate counseling is not available in closer proximity to the survivor's or dependent's residence[.]; **and**

28 **(f) Reasonable cleaning expenses, up to a maximum amount of**
29 **\$2,500.**

30 (4) When a claim for compensation is filed in a case of:

31 (a) Rape of a child, child sexual abuse or sexual exploitation, as those

1 terms are described in ORS 419B.005 (1)(a)(C), (D) and (E), counseling ex-
2 penses of the victim's family are compensable up to a maximum amount of
3 \$20,000, less any amounts awarded for the victim's medical or hospital ex-
4 penses under subsection (2)(a) of this section.

5 (b) Domestic violence as defined in ORS 135.230, the counseling expenses
6 of children who witnessed the domestic violence are compensable up to a
7 maximum amount of \$10,000.

8 (c) International terrorism, the counseling expenses of a relative of the
9 victim are compensable up to a maximum amount of \$1,000.

10 (5) Compensation may not be awarded under ORS 147.005 to 147.367 for
11 pain and suffering or property damage.

12 (6) Notwithstanding subsections (2) to (5) of this section, when a claim
13 for compensation is filed in a case of abuse of corpse in the first degree as
14 defined in ORS 166.087 or abuse of corpse in the second degree as defined in
15 ORS 166.085, compensation may be awarded for one or both of the following:

16 (a) Reasonable funeral expenses, up to a maximum amount of \$5,000.

17 (b) Reasonable counseling expenses for emotional distress, up to a maxi-
18 mum amount of \$5,000 for each incident.

19 (7) If the case against the assailant of the victim is under direct or
20 collateral review and the victim, survivor or dependent is involved in the
21 hearing or oral argument, compensation may be awarded for:

22 (a) The victim's, survivor's or dependent's counseling expenses up to a
23 maximum amount of \$5,000; and

24 (b) Other expenses related to the review, including transportation and
25 lodging necessary for the victim, survivor or dependent to be involved in
26 hearings and oral arguments, up to a maximum amount of \$3,000.

27 (8) If the assailant of the victim has a hearing scheduled before the State
28 Board of Parole and Post-Prison Supervision or the Psychiatric Security
29 Review Board and the victim, survivor or dependent is involved in the
30 hearing, compensation may be awarded for:

31 (a) The victim's, survivor's or dependent's counseling expenses up to a

1 maximum amount of \$5,000; and

2 (b) Other expenses related to the hearing, including transportation and
3 lodging necessary for the victim, survivor or dependent to be involved in the
4 hearing, up to a maximum amount of \$3,000.

5 (9) A claim for compensation expires and no further payments may be
6 made with regard to the claim:

7 (a) When three years have elapsed from the entry of a determination order
8 under ORS 147.135; or

9 (b) If the victim, survivor or dependent attains 21 years of age after the
10 date described in paragraph (a) of this subsection, when the victim, survivor
11 or dependent attains 21 years of age.

12 (10) Notwithstanding subsection (9) of this section:

13 (a) In cases of homicide, a claim for reasonable counseling expenses for
14 survivors may continue until five years have elapsed from the date of the
15 determination order.

16 (b) Claims described in subsection (7) of this section may be filed each
17 time an assailant's case is under direct or collateral review and expire:

18 (A) If the assailant is released as a result of the direct or collateral re-
19 view, when six months have elapsed from the date the assailant is released;
20 or

21 (B) If the assailant is not released as a result of the direct or collateral
22 review, when six months have elapsed from the completion of the review.

23 (c) Claims described in subsection (8) of this section may be filed each
24 time an assailant has a hearing before the State Board of Parole and Post-
25 Prison Supervision or the Psychiatric Security Review Board and expire:

26 (A) If the assailant is denied parole, conditional release or discharge,
27 when six months have elapsed from the date of the hearing.

28 (B) If the assailant is paroled, conditionally released or discharged, when
29 six months have elapsed from the date the assailant is paroled, conditionally
30 released or discharged.

31 (11) Notwithstanding subsections (2) and (9) of this section, if a victim

1 suffers catastrophic injuries:

2 (a) A claim for compensation and payments may continue beyond the pe-
3 riod described in subsection (9) of this section; and

4 (b) The department may award compensation for losses in excess of the
5 individual limitations described in subsection (2) of this section, provided
6 that the aggregate award does not exceed the amount described in subsection
7 (1)(b) of this section.

8 (12) The department shall adopt rules:

9 (a) Defining catastrophic injuries and establishing the length of time that
10 a claim for compensation and payments may continue under subsection
11 (11)(a) of this section.

12 (b) For medical fee schedules. The schedules shall represent at least the
13 75th percentile of the usual and customary fees charged to the public as de-
14 termined by the department. An applicant or victim may not be charged for
15 the percentile amount reduced by the department.

16 **SECTION 5.** ORS 163.275 is amended to read:

17 163.275. (1) A person commits the crime of coercion when:

18 (a) The person compels or induces another person to engage in conduct
19 from which the other person has a legal right to abstain, or to abstain from
20 engaging in conduct in which the other person has a legal right to engage,
21 by means of instilling in the other person a fear that, if the other person
22 refrains from the conduct compelled or induced or engages in conduct con-
23 trary to the compulsion or inducement, the actor or another will:

24 [(a)] (A) Unlawfully cause physical injury to some person;

25 [(b)] (B) Unlawfully cause physical injury to some animal;

26 [(c)] (C) Unlawfully cause damage to property;

27 [(d)] (D) Engage in conduct constituting a crime;

28 [(e)] (E) Falsely accuse some person of a crime or cause criminal charges
29 to be instituted against the person;

30 [(f)] (F) Cause or continue a strike, boycott or other collective action
31 injurious to some person's business, except that such a threat is not deemed

1 coercive when the act or omission compelled is for the benefit of the group
2 in whose interest the actor purports to act;

3 [(g)] **(G)** Testify falsely or provide false information or withhold testi-
4 mony or information with respect to another's legal claim or defense; or

5 [(h)] **(H)** Unlawfully use or abuse the person's position as a public servant
6 by performing some act within or related to official duties, or by failing or
7 refusing to perform an official duty, in such manner as to affect some person
8 adversely[.]; **or**

9 **(b) The person knowingly uses physical force or the threat of**
10 **physical force to:**

11 **(A) Cause another person to move from one place to another; or**

12 **(B) Prevent another person from moving from one place to another.**

13 (2) Coercion is a Class C felony.

14 **SECTION 6.** ORS 419C.349 is amended to read:

15 419C.349. (1) Except as otherwise provided in ORS 419C.364 or 419C.370,
16 the juvenile court shall conduct a waiver hearing when:

17 (a) The state files a motion requesting a waiver hearing in a case in
18 which a petition has been filed alleging that a youth has committed an act
19 when the youth was 15, 16 or 17 years of age that, if committed by an adult,
20 would constitute aggravated murder or an offense listed in ORS 137.707; or

21 (b) The state files a motion requesting a waiver hearing in a case in
22 which a petition has been filed alleging that a youth has committed an act
23 when the youth was 15, 16 or 17 years of age that, if committed by an adult,
24 would constitute:

25 (A) A Class A or Class B felony;

26 (B) Any of the following Class C felonies:

27 (i) Escape in the second degree under ORS 162.155;

28 (ii) Assault in the third degree under ORS 163.165;

29 (iii) Coercion under ORS 163.275 [(1)(a)] **(1)(a)(A)**;

30 (iv) Arson in the second degree under ORS 164.315; or

31 (v) Robbery in the third degree under ORS 164.395;

1 (C) Any Class C felony in which the youth used or threatened to use a
2 firearm; or

3 (D) Any other crime that the state and the youth stipulate is subject to
4 waiver.

5 (2) After the hearing, the juvenile court may waive the youth to a circuit,
6 justice or municipal court of competent jurisdiction if:

7 (a) The youth at the time of the alleged offense was of sufficient sophis-
8 tication and maturity to appreciate the nature and quality of the conduct
9 involved; and

10 (b) The juvenile court, after considering the following criteria, determines
11 by a preponderance of the evidence that retaining jurisdiction will not serve
12 the best interests of the youth and of society and therefore is not justified:

13 (A) The amenability of the youth to treatment and rehabilitation given
14 the techniques, facilities and personnel for rehabilitation available to the
15 juvenile court and to the criminal court that would have jurisdiction after
16 transfer;

17 (B) The protection required by the community, given the seriousness of
18 the offense alleged, and whether the youth can be safely rehabilitated under
19 the jurisdiction of the juvenile court;

20 (C) The aggressive, violent, premeditated or willful manner in which the
21 offense was alleged to have been committed;

22 (D) The previous history of the youth, including:

23 (i) Prior treatment efforts and out-of-home placements; and

24 (ii) The physical, emotional and mental health of the youth;

25 (E) The youth's prior record of acts that would be crimes if committed
26 by an adult;

27 (F) The gravity of the loss, damage or injury caused or attempted during
28 the offense;

29 (G) The prosecutive merit of the case against the youth; and

30 (H) The desirability of disposing of all cases in one trial if there were
31 adult co-offenders.

1 (3)(a) The victim of the alleged offense has the right to appear at a
2 hearing under this section and to provide the court with any information
3 reasonably related to the court's determination.

4 (b) Notwithstanding ORS 419A.255, the district attorney may provide to
5 the victim, at the request of the victim and pursuant to a protective order,
6 a copy of the court's written waiver findings and determination, if any, re-
7 gardless of whether the victim appeared at the hearing or presented infor-
8 mation to the court.

9 (4) The right to counsel, and the appointment of counsel under ORS
10 419C.200, applies to a hearing under this section.

11 (5) The state has the right to have at least one psychiatrist or licensed
12 psychologist of its selection examine the youth concerning the determination
13 of whether to waive the youth under this section.

14 **SECTION 7. The amendments to ORS 131.315, 131.325, 147.005,**
15 **147.035, 163.275 and 419C.349 by sections 1 to 6 of this 2023 Act apply to**
16 **conduct occurring on or after the effective date of this 2023 Act.**

17 **SECTION 8. This 2023 Act takes effect on the 91st day after the date**
18 **on which the 2023 regular session of the Eighty-second Legislative**
19 **Assembly adjourns sine die.**

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