

House Bill 3485

Sponsored by COMMITTEE ON EMERGENCY MANAGEMENT, GENERAL GOVERNMENT, AND VETERANS (at the request of Oregon State Fire Marshal)

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**.

Provides State Fire Marshal with certain additional discretionary powers.

Establishes certain requirements concerning uniforms, supplies and equipment of Department of the State Fire Marshal.

Prohibits person other than employee of department from wearing, using, ordering to be worn or used, copying or imitating department uniform. Punishes violation by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Repeals provisions concerning State Fire Marshal regulation of explosives.

A BILL FOR AN ACT

1
2 Relating to the State Fire Marshal; creating new provisions; amending ORS 166.382, 166.715, 238.082,
3 238A.005, 476.033, 476.040, 476.050, 476.060, 476.250, 476.720, 476.990, 480.095, 480.460, 480.670
4 and 480.990; and repealing ORS 480.200, 480.205, 480.210, 480.215, 480.225, 480.230, 480.235,
5 480.239, 480.244, 480.265, 480.270, 480.275, 480.280 and 480.290.

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

STATE FIRE MARSHAL DISCRETIONARY POWERS

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10 **SECTION 1.** ORS 476.033 is amended to read:

11 476.033. The State Fire Marshal may:

12 (1) **Establish headquarters and regional offices of the Department of the State Fire**
13 **Marshal at places the State Fire Marshal considers advisable for the protection of this state;**

14 (2) **Operate, and authorize chief deputy state fire marshals, deputy state fire marshals**
15 **and assistants of the department to own and operate, emergency response vehicles;**

16 (3) **Use land and buildings for the accommodation of department employees and depart-**
17 **ment vehicles and equipment;**

18 [(1)] (4) **Contract or otherwise cooperate with any person or public agency for the procurement**
19 **of necessary services or property, including by entering into lease agreements and taking title**
20 **to real property as necessary for the performance of the duties of the department;**

21 (5) **As an emergency services agency, control and regulate the acquisition, operation, use,**
22 **maintenance and disposal of, and access to, motor vehicles and equipment for official state**
23 **business;**

24 [(2)] (6) **Accept and distribute gifts, grants, donations and funds from any source, including ser-**
25 **vices and property, to carry out the duties of the State Fire Marshal; and**

26 [(3)] (7) **Perform such other duties as required by law.**

UNIFORMS, SUPPLIES AND EQUIPMENT

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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.

SECTION 9. ORS 476.250 is amended to read:

476.250. The district attorney may at the discretion of the district attorney, upon the application of the State Fire Marshal or a chief deputy state fire marshal, issue a subpoena to summon the attendance of witnesses before the district attorney to testify in relation to any matter which by law is a subject of inquiry and investigation, and require the production of any books, papers or documents the district attorney deems pertinent to an investigation of or relating to evidence pertaining to the cause of a fire.

SECTION 10. ORS 238A.005, as amended by section 3, chapter 83, Oregon Laws 2022, is amended to read:

238A.005. For the purposes of this chapter:

(1) “Active member” means a member of the pension program or the individual account program of the Oregon Public Service Retirement Plan who is actively employed in a qualifying position.

(2) “Actuarial equivalent” means a payment or series of payments having the same value as the payment or series of payments replaced, computed on the basis of interest rate and mortality assumptions adopted by the board.

(3) “Board” means the Public Employees Retirement Board.

(4) “Eligible employee” means a person who performs services for a participating public employer, including persons considered employees of a participating public employer under 26 U.S.C. 3121(d)(2), as in effect on January 1, 2022, and elected officials other than judges. “Eligible employee” does not include:

(a) Persons engaged as independent contractors;

(b) Aliens working under a training or educational visa;

(c) Persons provided sheltered employment or make-work by a public employer;

(d) Persons categorized by a participating public employer as student employees;

(e) Any person who is in custody in a state institution;

(f) Employees of foreign trade offices of the Oregon Business Development Department who live and perform services in foreign countries under the provisions of ORS 285A.075 (1)(g);

(g) An employee actively participating in an alternative retirement program established under ORS 353.250 or an optional retirement plan established under ORS 341.551;

(h) Employees of a public university listed in ORS 352.002 who are actively participating in an optional retirement plan offered under ORS 243.815;

(i) Persons employed in positions classified as post-doctoral scholar positions by a public university listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370;

(j) Any employee who belongs to a class of employees that was not eligible on August 28, 2003, for membership in the system under the provisions of ORS chapter 238 or other law;

(k) Any person who belongs to a class of employees who are not eligible to become members of the Oregon Public Service Retirement Plan under the provisions of ORS 238A.070 (2);

(L) Any person who is retired under ORS 238A.100 to 238A.250 or ORS chapter 238 and who continues to receive retirement benefits while employed; and

(m) Judges.

(5) “Firefighter” means:

(a) A person employed by a local government, as defined in ORS 174.116, whose primary job duties include the fighting of fires;

(b) The State Fire Marshal, [the] chief deputy state fire [marshal] **marshals** and deputy state fire marshals;

1 (c) An employee of the State Fire Marshal whose primary duties include fire investigation, fire
2 prevention, fire safety, fire control or fire suppression;

3 (d) An employee of the State Forestry Department who is certified by the State Forester as a
4 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
5 fires as described in ORS 477.064; and

6 (e) An employee of the Oregon Military Department whose primary duties include fighting
7 structural, aircraft, wildland or other fires.

8 (6) "Fund" means the Public Employees Retirement Fund.

9 (7)(a) "Hour of service" means:

10 (A) An hour for which an eligible employee is directly or indirectly paid or entitled to payment
11 by a participating public employer for performance of duties in a qualifying position; and

12 (B) An hour of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave
13 during which an employee does not perform duties but for which the employee is directly or indi-
14 rectly paid or entitled to payment by a participating public employer for services in a qualifying
15 position, as long as the hour is within the number of hours regularly scheduled for the performance
16 of duties during the period of vacation, holiday, illness, incapacity, jury duty, military duty or au-
17 thorized leave.

18 (b) "Hour of service" does not include any hour for which payment is made or due under a plan
19 maintained solely for the purpose of complying with applicable unemployment compensation laws.

20 (8) "Inactive member" means a member of the pension program or the individual account pro-
21 gram of the Oregon Public Service Retirement Plan whose membership has not been terminated, who
22 is not a retired member and who is not employed in a qualifying position.

23 (9) "Individual account program" means the defined contribution individual account program of
24 the Oregon Public Service Retirement Plan established under ORS 238A.025.

25 (10) "Institution of higher education" means a public university listed in ORS 352.002, the
26 Oregon Health and Science University or a community college, as defined in ORS 341.005.

27 (11) "Member" means an eligible employee who has established membership in the pension pro-
28 gram or the individual account program of the Oregon Public Service Retirement Plan and whose
29 membership has not been terminated under ORS 238A.110 or 238A.310.

30 (12) "Participating public employer" means a public employer as defined in ORS 238.005 that
31 provides retirement benefits for employees of the public employer under the system.

32 (13) "Pension program" means the defined benefit pension program of the Oregon Public Service
33 Retirement Plan established under ORS 238A.025.

34 (14) "Police officer" means a police officer as described in ORS 238.005.

35 (15) "Qualifying position" means one or more jobs with one or more participating public em-
36 ployers in which an eligible employee performs 600 or more hours of service in a calendar year,
37 excluding any service in a job for which benefits are not provided under the Oregon Public Service
38 Retirement Plan pursuant to ORS 238A.070 (2).

39 (16) "Retired member" means a pension program member who is receiving a pension as provided
40 in ORS 238A.180 to 238A.195.

41 (17)(a) "Salary" means the remuneration paid to an active member in return for services to the
42 participating public employer, including remuneration in the form of living quarters, board or other
43 items of value, to the extent the remuneration is, or would be if the member were an Oregon resi-
44 dent, includable in the employee's taxable income under Oregon law. "Salary" includes the addi-
45 tional amounts specified in paragraph (b) of this subsection, but does not include the amounts

1 specified in paragraph (c) of this subsection, regardless of whether those amounts are includable in
2 taxable income.

3 (b) "Salary" includes the following amounts:

4 (A) Payments of employee and employer money into a deferred compensation plan that are made
5 at the election of the employee.

6 (B) Contributions to a tax-sheltered or deferred annuity that are made at the election of the
7 employee.

8 (C) Any amount that is contributed to a cafeteria plan or qualified transportation fringe benefit
9 plan by the employer at the election of the employee and that is not includable in the taxable in-
10 come of the employee by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2021.

11 (D) Any amount that is contributed to a cash or deferred arrangement by the employer at the
12 election of the employee and that is not included in the taxable income of the employee by reason
13 of 26 U.S.C. 402(e)(3), as in effect on December 31, 2021.

14 (E) Retroactive payments described in ORS 238.008.

15 (F) The amount of an employee contribution to the individual account program that is paid by
16 the employer and deducted from the compensation of the employee, as provided under ORS 238A.335
17 (1) and (2)(a).

18 (G) The amount of an employee contribution to the individual account program that is not paid
19 by the employer under ORS 238A.335.

20 (H) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
21 652.190.

22 (c) "Salary" does not include the following amounts:

23 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the
24 employer.

25 (B) Payments made on account of an employee's death.

26 (C) Any lump sum payment for accumulated unused sick leave, vacation leave or other paid
27 leave.

28 (D) Any severance payment, accelerated payment of an employment contract for a future period
29 or advance against future wages.

30 (E) Any retirement incentive, retirement bonus or retirement gratuitous payment.

31 (F) Payment for a leave of absence after the date the employer and employee have agreed that
32 no future services in a qualifying position will be performed.

33 (G) Payments for instructional services rendered to public universities listed in ORS 352.002 or
34 the Oregon Health and Science University when those services are in excess of full-time employment
35 subject to this chapter. A person employed under a contract for less than 12 months is subject to
36 this subparagraph only for the months covered by the contract.

37 (H) The amount of an employee contribution to the individual account program that is paid by
38 the employer and is not deducted from the compensation of the employee, as provided under ORS
39 238A.335 (1) and (2)(b).

40 (I) Compensation described and authorized under ORS 341.556 that is not paid by the community
41 college employing the faculty member.

42 (J) Compensation described and authorized under ORS 352.232 that is not paid by the public
43 university employing the officer or employee.

44 (K) Compensation described and authorized under ORS 353.270 that is not paid by Oregon
45 Health and Science University.

1 (L) For years before 2020, any amount in excess of \$200,000 for a calendar year. If any period
 2 over which salary is determined is less than 12 months, the \$200,000 limitation for that period shall
 3 be multiplied by a fraction, the numerator of which is the number of months in the determination
 4 period and the denominator of which is 12. The board shall adopt rules adjusting this dollar limit
 5 to incorporate cost-of-living adjustments authorized by the Internal Revenue Service.

6 (M) For years beginning on or after January 1, 2020, any amount in excess of \$195,000 for a
 7 calendar year. If any period over which salary is determined is less than 12 months, the \$195,000
 8 limitation for that period shall be multiplied by a fraction, the numerator of which is the number
 9 of months in the determination period and the denominator of which is 12. On January 1 of each
 10 year, the board shall adjust the dollar limit provided by this subparagraph to reflect any percentage
 11 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-
 12 lished by the Bureau of Labor Statistics of the United States Department of Labor.

13 (18) "System" means the Public Employees Retirement System.

14 (19) "Workers' compensation benefits" means:

15 (a) Payments made under ORS chapter 656; or

16 (b) Payments provided in lieu of workers' compensation benefits under ORS 656.027 (6).

17
 18 **EXCEPTION TO LIMITS ON HOURS WORKED BY RETIRED MEMBERS**

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 20 **SECTION 11.** ORS 238.082 is amended to read:

21 238.082. (1) Subject to the limitations in this section, any public employer may employ any
 22 member who is retired for service if the administrative head of the public employer is satisfied that
 23 such employment is in the public interest.

24 (2) Except as provided in this section, the period or periods of employment by one or more
 25 public employers of a retired member who is reemployed under this section may not total 1,040
 26 hours or more in any calendar year.

27 (3) A retired member who is receiving old-age, survivors or disability insurance benefits under
 28 the federal Social Security Act may be employed under this section for the number of hours per-
 29 mitted by subsection (2) of this section, or for the number of hours for which the salary equals the
 30 maximum allowed for receipt of the full amount of those benefits to which the person is entitled,
 31 whichever is greater.

32 (4) Except as provided in subsection (9) of this section, the limitations on employment imposed
 33 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a
 34 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is
 35 employed by a school district or community college district located within a county with a popu-
 36 lation of not more than 35,000 inhabitants according to the latest federal decennial census, or is
 37 employed by an education service district and the retired member's primary work duties are per-
 38 formed in a county with a population of not more than 35,000 inhabitants according to the latest
 39 federal decennial census. A retired member who is employed under this subsection as a teacher, as
 40 defined in ORS 342.120, by the same public employer that employed the member at the time of re-
 41 tirement remains in the same collective bargaining unit that included the member before retirement.

42 (5) Except as provided in subsection (9) of this section, the limitations on employment imposed
 43 by subsections (2) and (3) of this section do not apply to a retired member who is employed:

44 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
 45 the latest federal decennial census;

1 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-
 2 itants, according to the latest federal decennial census;

3 (c) By the state or a county for work in a correctional institution located in a county with a
 4 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

5 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
 6 District or the Sunriver Service District;

7 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
 8 habitants, according to the latest federal decennial census;

9 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-
 10 ernor approves the exemption for the person from the limitations on employment imposed in sub-
 11 sections (2) and (3) of this section;

12 (g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor
 13 approves the exemption for the person from the limitations on employment imposed in subsections
 14 (2) and (3) of this section;

15 (h) As a special campus security officer commissioned by the governing board of a public uni-
 16 versity listed in ORS 352.002 under ORS 352.118;

17 (i) As a security officer for a community college, as defined in ORS 341.005; [or]

18 (j) By the Harney County Health District as a person licensed, registered or certified to provide
 19 health services[.]; or

20 **(k) By the Department of the State Fire Marshal for fire prevention, fire preparedness,**
 21 **fire risk mitigation, firefighting, emergency response or other response support functions.**

22 (6) Except as provided in subsection (9) of this section, the limitations on employment imposed
 23 by subsections (2) and (3) of this section do not apply to a retired member who is employed to tem-
 24 porarily replace an employee who serves in the National Guard or in a reserve component of the
 25 Armed Forces of the United States and who is called to federal active duty.

26 (7) Except as provided in subsection (9) of this section, the limitations on employment imposed
 27 by subsections (2) and (3) of this section do not apply to a retired member who is employed by a road
 28 assessment district organized under ORS 371.405 to 371.535.

29 (8) Except as provided in subsection (9) of this section, the limitations on employment imposed
 30 by subsections (2) and (3) of this section do not apply to a retired member who is a nurse and is
 31 employed by a public employer as a nurse or for the purpose of teaching nursing during the period
 32 in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in
 33 effect.

34 (9)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to (8) of this section
 35 do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

36 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
 37 238.280 (1), (2) or (3) as long as the person is absent from service with all participating public em-
 38 ployers for at least six months before the date the person is employed under subsection (4) of this
 39 section.

40 (10) Employment under this section does not affect the status of a person as a retired member
 41 of the system and a recipient of retirement benefits under this chapter.

42 (11) Hours worked by a person employed under subsections (4) to (8) of this section shall not
 43 be counted for the purpose of the limitations on employment imposed by subsections (2) and (3) of
 44 this section.

REPEAL OF STATE FIRE MARSHAL REGULATION OF EXPLOSIVES

SECTION 12. ORS 480.200, 480.205, 480.210, 480.215, 480.225, 480.230, 480.235, 480.239, 480.244, 480.265, 480.270, 480.275, 480.280 and 480.290 are repealed.

SECTION 13. ORS 166.382 is amended to read:

166.382. (1) A person commits the crime of unlawful possession of a destructive device if the person possesses:

(a) Any of the following devices with an explosive, incendiary or poison gas component:

(A) Bomb;

(B) Grenade;

(C) Rocket having a propellant charge of more than four ounces;

(D) Missile having an explosive or incendiary charge of more than one-quarter ounce; or

(E) Mine; or

(b) Any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) of this subsection and from which a destructive device may be readily assembled.

(2) As used in this section:

(a) "Destructive device" does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.

(b) "Possess" has the meaning given that term in ORS 161.015.

(3) This section does not apply to:

[(a) Persons who possess explosives as provided in ORS 480.200 to 480.290.]

[(b)] (a) The possession of an explosive by a member of the Armed Forces of the United States while on active duty and engaged in the performance of official duties or by a member of a regularly organized fire or police department of a public agency while engaged in the performance of official duties.

[(c)] (b) The possession of an explosive in the course of transportation by way of railroad, water, highway or air while under the jurisdiction of, or in conformity with, regulations adopted by the United States Department of Transportation.

[(d) The possession, sale, transfer or manufacture of an explosive by a person acting in accordance with the provisions of any applicable federal law or regulation that provides substantially the same requirements as the comparable provisions of ORS 480.200 to 480.290.]

(4) Possession of a destructive device is a Class C felony.

SECTION 14. ORS 476.060 is amended to read:

476.060. *[(1)]* All fire marshals in those governmental subdivisions having such officers, and where no such officer exists, the chief of the fire department of every city or rural fire protection district in which a fire department is established, the marshal or chief of police, officer of any city in which no fire department exists, and constables, if any, shall be, by virtue of the offices held by them, assistants to the State Fire Marshal without additional recompense, subject to the duties and obligations imposed by law, and shall be subject to the direction of the State Fire Marshal in the execution of the provisions of this section and ORS 476.070, 476.090, 476.150, 476.210 and 480.445.

[(2) In addition to other duties under subsection (1) of this section, an individual designated as an assistant to the State Fire Marshal shall aid in the administration and enforcement of ORS 480.200 to 480.290 and 480.990 (6) upon the request of the State Fire Marshal.]

SECTION 15. ORS 480.460 is amended to read:

1 480.460. All fees received by the State Fire Marshal under ORS [480.200 to 480.290 and] 480.410
 2 to 480.460 shall be paid by the State Fire Marshal to the State Treasurer monthly and shall consti-
 3 tute and be an appropriation to the Department of the State Fire Marshal available for the payment
 4 of salaries and expenses of deputies and clerical and other assistants of the State Fire Marshal.

5 **SECTION 16.** ORS 480.990 is amended to read:

6 480.990. (1) Violation of [any provision of] ORS 480.010 to 480.040 **or 480.085** is a Class B vio-
 7 lation.

8 [(2) Violation of any provision of ORS 480.050, 480.060 or 480.290 is a Class C misdemeanor.]

9 [(3)] (2) Violation of ORS 480.070 is a Class A misdemeanor.

10 [(4) Violation of ORS 480.085 is a Class B violation.]

11 [(5) Violation of any provision of ORS 480.111 to 480.165 is a Class B misdemeanor. Violations
 12 thereof may be prosecuted in state or municipal courts when violations occur within the municipality
 13 served thereby. Justice courts shall have concurrent jurisdiction with circuit courts in all proceedings
 14 arising within ORS 480.111 to 480.165.]

15 [(6) Subject to ORS 153.022, violation of any provision of ORS 480.210, 480.215, 480.235 and
 16 480.265 or of any rule or regulation adopted under ORS 480.280 (1) is a Class B misdemeanor.]

17 [(7) Violation of any provision of ORS 480.420 to 480.460 is a Class B violation.]

18 [(8)] (3) Subject to ORS 153.022, violation of [any provision of] ORS 480.510 to 480.670, or any
 19 rule promulgated pursuant thereto, is a Class A misdemeanor. Whenever the Board of Boiler Rules
 20 has reason to believe that any person is liable to punishment under this subsection, it may certify
 21 the facts to the Attorney General, who may cause an appropriate proceeding to be brought.

22 (4) **Violation of ORS 480.111 to 480.165 is a Class B misdemeanor. Violations thereof may**
 23 **be prosecuted in state or municipal courts when violations occur within the municipality**
 24 **served thereby. Justice courts shall have concurrent jurisdiction with circuit courts in all**
 25 **proceedings arising within ORS 480.111 to 480.165.**

26 (5) **Violation of ORS 480.050 or 480.060 is a Class C misdemeanor.**

27 **SECTION 17.** ORS 480.095 is amended to read:

28 480.095. Persons violating ORS 480.085 are subject to the penalty provided in ORS 480.990 [(4)]
 29 (1) and are liable in civil action for damages to any person suffering injury from handling or oth-
 30 erwise coming in contact with unused explosives that are left in an area of use in violation of ORS
 31 480.085, regardless of any negligence or lack of negligence on the part of the defendant.

32 **SECTION 18.** ORS 480.670 is amended to read:

33 480.670. The Board of Boiler Rules may impose a civil penalty for a violation of ORS 480.510 to
 34 480.670 or rules adopted for the administration and enforcement of those sections. Moneys received
 35 by the Department of Consumer and Business Services or the board from civil penalties imposed
 36 under this section or ORS 455.895 (1)(c) shall be deposited to the Consumer and Business Services
 37 Fund created under ORS 705.145 and used only for the administration and enforcement of ORS
 38 480.510 to 480.670 and 480.990 [(8)] (3).

39 **SECTION 19.** ORS 166.715 is amended to read:

40 166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

41 (1) "Documentary material" means any book, paper, document, writing, drawing, graph, chart,
 42 photograph, phonograph record, magnetic tape, computer printout, other data compilation from
 43 which information can be obtained or from which information can be translated into usable form,
 44 or other tangible item.

45 (2) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business

1 trust or other profit or nonprofit legal entity, and includes any union, association or group of indi-
 2 viduals associated in fact although not a legal entity, and both illicit and licit enterprises and gov-
 3 ernmental and nongovernmental entities.

4 (3) "Investigative agency" means the Department of Justice or any district attorney.

5 (4) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering
 6 activity that have the same or similar intents, results, accomplices, victims or methods of commis-
 7 sion or otherwise are interrelated by distinguishing characteristics, including a nexus to the same
 8 enterprise, and are not isolated incidents, provided at least one of such incidents occurred after
 9 November 1, 1981, and that the last of such incidents occurred within five years after a prior inci-
 10 dent of racketeering activity. Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other
 11 provision of law providing that a previous prosecution is a bar to a subsequent prosecution, conduct
 12 that constitutes an incident of racketeering activity may be used to establish a pattern of
 13 racketeering activity without regard to whether the conduct previously has been the subject of a
 14 criminal prosecution or conviction or a juvenile court adjudication, unless the prosecution resulted
 15 in an acquittal or the adjudication resulted in entry of an order finding the youth not to be within
 16 the jurisdiction of the juvenile court.

17 (5) "Person" means any individual or entity capable of holding a legal or beneficial interest in
 18 real or personal property.

19 (6) "Racketeering activity" includes conduct of a person committed both before and after the
 20 person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to
 21 commit, or to solicit, coerce or intimidate another person to commit:

22 (a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following
 23 provisions of the Oregon Revised Statutes:

24 (A) ORS 59.005 to 59.505, 59.710 to 59.830, 59.991 and 59.995, relating to securities;

25 (B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;

26 (C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365, relating to obstructing
 27 governmental administration;

28 (D) ORS 162.405 to 162.425, relating to abuse of public office;

29 (E) ORS 162.455, relating to interference with legislative operation;

30 (F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;

31 (G) ORS 163.160 to 163.205, relating to assault and related offenses;

32 (H) ORS 163.225 and 163.235, relating to kidnapping;

33 (I) ORS 163.275, relating to coercion;

34 (J) ORS 163.665 to 163.693, relating to sexual conduct of children;

35 (K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.098, 164.125, 164.135,
 36 164.140, 164.215, 164.225 and 164.245 to 164.270, relating to theft, burglary, criminal trespass and
 37 related offenses;

38 (L) ORS 164.315 to 164.335, relating to arson and related offenses;

39 (M) ORS 164.345 to 164.365, relating to criminal mischief;

40 (N) ORS 164.395 to 164.415, relating to robbery;

41 (O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of a
 42 recording;

43 (P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and
 44 related offenses;

45 (Q) ORS 165.080 to 165.109, relating to business and commercial offenses;

- 1 (R) ORS 165.540 and 165.555, relating to communication crimes;
- 2 (S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470, relating
3 to firearms and other weapons;
- 4 (T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.057,
5 167.062 to 167.080, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365,
6 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, sexual conduct, gambling,
7 computer crimes involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting
8 bird and related offenses;
- 9 (U) ORS 171.990, relating to legislative witnesses;
- 10 (V) ORS 260.575 and 260.665, relating to election offenses;
- 11 (W) ORS 314.075, relating to income tax;
- 12 (X) ORS 180.440 (2) and 180.486 (2) and ORS chapter 323, relating to cigarette and tobacco
13 products taxes and the directories developed under ORS 180.425 and 180.477;
- 14 (Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments or medical
15 assistance benefits, and ORS 411.990 (2) and (3);
- 16 (Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;
- 17 (AA) ORS 463.995, relating to entertainment wrestling and unarmed combat sports, as defined
18 in ORS 463.015;
- 19 (BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405, 471.425, 471.442, 471.445,
20 471.446, 471.485, 471.490 and 471.675, relating to alcoholic liquor, and any of the provisions of ORS
21 chapter 471 relating to licenses issued under the Liquor Control Act;
- 22 (CC) ORS 475C.005 to 475C.525, relating to marijuana items as defined in ORS 475C.009;
- 23 (DD) ORS 475.005 to 475.285 and 475.752 to 475.980, relating to controlled substances;
- 24 (EE) ORS 480.070, [480.210, 480.215, 480.235 and 480.265,] relating to explosives;
- 25 (FF) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;
- 26 (GG) ORS 658.452 or 658.991 (2) to (4), relating to labor contractors;
- 27 (HH) ORS chapter 706, relating to banking law administration;
- 28 (II) ORS chapter 714, relating to branch banking;
- 29 (JJ) ORS chapter 716, relating to mutual savings banks;
- 30 (KK) ORS chapter 723, relating to credit unions;
- 31 (LL) ORS chapter 726, relating to pawnbrokers;
- 32 (MM) ORS 166.382 and 166.384, relating to destructive devices;
- 33 (NN) ORS 165.074;
- 34 (OO) ORS 86A.095 to 86A.198, relating to mortgage bankers and mortgage brokers;
- 35 (PP) ORS chapter 496, 497 or 498, relating to wildlife;
- 36 (QQ) ORS 163.355 to 163.427, relating to sexual offenses;
- 37 (RR) ORS 166.015, relating to riot;
- 38 (SS) ORS 166.155 and 166.165, relating to bias crimes;
- 39 (TT) ORS chapter 696, relating to real estate and escrow;
- 40 (UU) ORS chapter 704, relating to outfitters and guides;
- 41 (VV) ORS 165.692, relating to making a false claim for health care payment;
- 42 (WW) ORS 162.117, relating to public investment fraud;
- 43 (XX) ORS 164.170 or 164.172;
- 44 (YY) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;
- 45 (ZZ) ORS 164.886;

1 (AAA) ORS 167.312 and 167.388;

2 (BBB) ORS 164.889;

3 (CCC) ORS 165.800; or

4 (DDD) ORS 163.263, 163.264 or 163.266.

5 (b) Any conduct defined as “racketeering activity” under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).

6 (7) “Unlawful debt” means any money or other thing of value constituting principal or interest
7 of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred
8 or contracted:

9 (a) In violation of any one of the following:

10 (A) ORS chapter 462, relating to racing;

11 (B) ORS 167.108 to 167.164, relating to gambling; or

12 (C) ORS 82.010 to 82.170, relating to interest and usury.

13 (b) In gambling activity in violation of federal law or in the business of lending money at a rate
14 usurious under federal or state law.

15 (8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute
16 in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions
17 from what the statute was when this section was enacted, the reference shall extend to and include
18 amendments to the statute.

19 **SECTION 20. The unit captions used in this 2023 Act are provided only for the conven-**
20 **ience of the reader and do not become part of the statutory law of this state or express any**
21 **legislative intent in the enactment of this 2023 Act.**

22