

SB 340-1  
(LC 2388)  
3/7/23 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 340**

1 In line 2 of the printed bill, after “crime” insert “; amending ORS 131.315,  
2 137.717, 164.055, 164.098 and 164.115”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** ORS 131.315 is amended to read:

5 “131.315. (1) If conduct constituting elements of an offense or results  
6 constituting elements of an offense occur in two or more counties, trial of  
7 the offense may be held in any of the counties concerned.

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

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

15 “(4) If an offense is committed on any body of water located in, or adja-  
16 cent to, two or more counties or forming the boundary between two or more  
17 counties, trial of the offense may be held in any nearby county bordering on  
18 the body of water.

19 “(5) If an offense is committed in or upon any railroad car, vehicle, air-  
20 craft, boat or other conveyance in transit and it cannot readily be deter-  
21 mined in which county the offense was committed, trial of the offense may

1 be held in any county through or over which the conveyance passed.

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

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

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

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

14 “(10) A person who in one county commits an inchoate offense that re-  
15 sults in the commission of an offense by another person in another county,  
16 or who commits the crime of hindering prosecution of the principal offense,  
17 may be tried in either county.

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

21 “(12)(a) If the offense is theft, forgery or identity theft and the offense  
22 consists of an aggregate transaction involving more than one county, trial  
23 of the offense may be held in any county in which one of the acts of theft,  
24 forgery or identity theft was committed.

25 “(b) **If the offense is two or more offenses listed in ORS 137.717 (2)**  
26 **committed against the same victim within a 180-day period, trial of the**  
27 **offenses may be held in any county in which one of the offenses was**  
28 **committed.**

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

1       “(a) The offer to purchase or sell securities took place or where the sale  
2 or purchase of securities took place; or

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

4       “(14) When a prosecution under ORS 165.692 and 165.990 or 411.675 and  
5 411.990 (2) and (3) involves Medicaid funds, the trial of the offense may be  
6 held in the county in which the claim was submitted for payment or in the  
7 county in which the claim was paid.

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

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

15       “**SECTION 2.** ORS 137.717 is amended to read:

16       “137.717. (1) When a court sentences a person convicted of:

17       “(a) Aggravated theft in the first degree under ORS 164.057, **organized**  
18 **retail theft under ORS 164.098**, burglary in the first degree under ORS  
19 164.225 or aggravated identity theft under ORS 165.803, the presumptive  
20 sentence is 24 months of incarceration, unless the rules of the Oregon  
21 Criminal Justice Commission prescribe a longer presumptive sentence, if the  
22 person has:

23       “(A) A previous conviction for aggravated theft in the first degree under  
24 ORS 164.057, **organized retail theft under ORS 164.098**, burglary in the  
25 first degree under ORS 164.225, robbery in the third degree under ORS  
26 164.395, robbery in the second degree under ORS 164.405, robbery in the first  
27 degree under ORS 164.415 or aggravated identity theft under ORS 165.803;

28       “(B) Two or more previous convictions for any combination of the crimes  
29 listed in subsection (2) of this section; or

30       “(C) A previous conviction for a crime listed in subsection (2) of this

1 section, if the current crime of conviction was committed while the defendant  
2 was on supervision for the previous conviction or less than three years after  
3 the date the defendant completed the period of supervision for the previous  
4 conviction.

5 “(b) Unauthorized use of a vehicle under ORS 164.135, mail theft or re-  
6 ceipt of stolen mail under ORS 164.162, burglary in the second degree under  
7 ORS 164.215, criminal mischief in the first degree under ORS 164.365, com-  
8 puter crime under ORS 164.377, robbery in the third degree under ORS  
9 164.395, forgery in the first degree under ORS 165.013, criminal possession  
10 of a forged instrument in the first degree under ORS 165.022, fraudulent use  
11 of a credit card under ORS 165.055 (4)(b), possession of a stolen vehicle under  
12 ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the  
13 presumptive sentence is 18 months of incarceration, unless the rules of the  
14 Oregon Criminal Justice Commission prescribe a longer presumptive sen-  
15 tence, if the person has:

16 “(A) A previous conviction for aggravated theft in the first degree under  
17 ORS 164.057, **organized retail theft under ORS 164.098**, unauthorized use  
18 of a vehicle under ORS 164.135, burglary in the first degree under ORS  
19 164.225, robbery in the third degree under ORS 164.395, robbery in the second  
20 degree under ORS 164.405, robbery in the first degree under ORS 164.415,  
21 possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehi-  
22 cles under ORS 819.310 or aggravated identity theft under ORS 165.803;

23 “(B) Two or more previous convictions for any combination of the crimes  
24 listed in subsection (2) of this section; or

25 “(C) A previous conviction for a crime listed in subsection (2) of this  
26 section, if the current crime of conviction was committed while the defendant  
27 was on supervision for the previous conviction or less than three years after  
28 the date the defendant completed the period of supervision for the previous  
29 conviction.

30 “(c) Theft in the first degree under ORS 164.055 or identity theft under

1 ORS 165.800, the presumptive sentence is 13 months of incarceration, unless  
2 the rules of the Oregon Criminal Justice Commission prescribe a longer  
3 presumptive sentence, if the person has:

4 “(A) A previous conviction for aggravated theft in the first degree under  
5 ORS 164.057, **organized retail theft under ORS 164.098**, unauthorized use  
6 of a vehicle under ORS 164.135, burglary in the first degree under ORS  
7 164.225, robbery in the second degree under ORS 164.405, robbery in the first  
8 degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300,  
9 trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft  
10 under ORS 165.803; or

11 “(B) Four or more previous convictions for any combination of crimes  
12 listed in subsection (2) of this section.

13 “(2) The crimes to which subsection (1) of this section applies are:

14 “(a) Theft in the second degree under ORS 164.045;

15 “(b) Theft in the first degree under ORS 164.055;

16 “(c) Aggravated theft in the first degree under ORS 164.057;

17 “**(d) Organized retail theft under ORS 164.098;**

18 “[*d*] **(e)** Unauthorized use of a vehicle under ORS 164.135;

19 “[*e*] **(f)** Mail theft or receipt of stolen mail under ORS 164.162;

20 “[*f*] **(g)** Burglary in the second degree under ORS 164.215;

21 “[*g*] **(h)** Burglary in the first degree under ORS 164.225;

22 “[*h*] **(i)** Criminal mischief in the second degree under ORS 164.354;

23 “[*i*] **(j)** Criminal mischief in the first degree under ORS 164.365;

24 “[*j*] **(k)** Computer crime under ORS 164.377;

25 “[*k*] **(L)** Forgery in the second degree under ORS 165.007;

26 “[*L*] **(m)** Forgery in the first degree under ORS 165.013;

27 “[*m*] **(n)** Criminal possession of a forged instrument in the second degree  
28 under ORS 165.017;

29 “[*n*] **(o)** Criminal possession of a forged instrument in the first degree  
30 under ORS 165.022;

1       “[(o)] **(p)** Fraudulent use of a credit card under ORS 165.055;  
2       “[(p)] **(q)** Identity theft under ORS 165.800;  
3       “[(q)] **(r)** Possession of a stolen vehicle under ORS 819.300;  
4       “[(r)] **(s)** Trafficking in stolen vehicles under ORS 819.310; and  
5       “[(s)] **(t)** Any attempt to commit a crime listed in this subsection.  
6       “(3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this  
7 section shall be increased by two months for each previous conviction the  
8 person has that:  
9       “(A) Was for any of the crimes listed in subsection (1) or (2) of this sec-  
10 tion; and  
11       “(B) Was not used as a predicate for the presumptive sentence described  
12 in subsection (1)(a) or (b) of this section.  
13       “(b) Previous convictions may not increase a presumptive sentence de-  
14 scribed in subsection (1)(a) or (b) of this section by more than 12 months  
15 under this subsection.  
16       “(4) The court may impose a sentence other than the sentence provided  
17 by subsection (1) or (3) of this section if the court imposes:  
18       “(a) A longer term of incarceration that is otherwise required or author-  
19 ized by law; or  
20       “(b) A departure sentence authorized by the rules of the Oregon Criminal  
21 Justice Commission based upon findings of substantial and compelling rea-  
22 sons. Unless the law or the rules of the Oregon Criminal Justice Commission  
23 allow for imposition of a longer sentence, the maximum departure allowed  
24 for a person sentenced under this subsection is double the presumptive sen-  
25 tence provided in subsection (1) or (3) of this section.  
26       “(5) Notwithstanding subsection (4)(b) of this section, the court may not  
27 sentence a person under subsection (4) of this section to a term of incarcer-  
28 ation that exceeds the period of time described in ORS 161.605.  
29       “(6) The court shall sentence a person under this section to at least the  
30 presumptive sentence described in subsection (1)(a) or (b) or (3) of this sec-

1 tion, unless the parties stipulate otherwise or the court finds that:

2 “(a) The person was not on probation, parole or post-prison supervision  
3 for a crime listed in subsection (1) of this section at the time of the com-  
4 mission of the current crime of conviction;

5 “(b) The person has not previously received a downward departure from  
6 a presumptive sentence for a crime listed in subsection (1) of this section;

7 “(c) The harm or loss caused by the crime is not greater than usual for  
8 that type of crime; and

9 “(d) In consideration of the nature of the offense and the harm to the  
10 victim, a downward departure will:

11 “(A) Increase public safety;

12 “(B) Enhance the likelihood that the person will be rehabilitated; and

13 “(C) Not unduly reduce the appropriate punishment.

14 “(7) When the court imposes a sentence of probation for a conviction for  
15 theft in the first degree or identity theft or under subsection (6) of this sec-  
16 tion, the supervisory authority as defined in ORS 144.087 may require the  
17 person to receive a high level of supervision for at least 12 months, and may  
18 extend the period of high-level supervision for all or part of the remaining  
19 probationary term.

20 “(8)(a) For a crime committed on or after November 1, 1989, a conviction  
21 is considered to have occurred upon the pronouncement of sentence in open  
22 court. However, when sentences are imposed for two or more convictions  
23 arising out of the same conduct or criminal episode, none of the convictions  
24 is considered to have occurred prior to any of the other convictions arising  
25 out of the same conduct or criminal episode.

26 “(b) For a crime committed prior to November 1, 1989, a conviction is  
27 considered to have occurred upon the pronouncement in open court of a  
28 sentence or upon the pronouncement in open court of the suspended imposi-  
29 tion of a sentence.

30 “(9) For purposes of this section, previous convictions must be proven

1 pursuant to ORS 137.079.

2 “(10) As used in this section:

3 “(a) ‘Downward departure’ means a downward dispositional departure or  
4 a downward durational departure under the rules of the Oregon Criminal  
5 Justice Commission.

6 “(b) ‘Previous conviction’ includes:

7 “(A) Convictions occurring before, on or after July 1, 2003; and

8 “(B) Convictions entered in any other state or federal court for compa-  
9 rable offenses.

10 **“SECTION 3.** ORS 137.717, as amended by section 7, chapter 649, Oregon  
11 Laws 2013, and section 6, chapter 673, Oregon Laws 2017, is amended to read:

12 “137.717. (1) When a court sentences a person convicted of:

13 “(a) Aggravated theft in the first degree under ORS 164.057, **organized**  
14 **retail theft under ORS 164.098**, burglary in the first degree under ORS  
15 164.225, robbery in the third degree under ORS 164.395 or aggravated identity  
16 theft under ORS 165.803, the presumptive sentence is 24 months of incarcer-  
17 ation, unless the rules of the Oregon Criminal Justice Commission prescribe  
18 a longer presumptive sentence, if the person has:

19 “(A) A previous conviction for aggravated theft in the first degree under  
20 ORS 164.057, **organized retail theft under ORS 164.098**, burglary in the  
21 first degree under ORS 164.225, robbery in the third degree under ORS  
22 164.395, robbery in the second degree under ORS 164.405, robbery in the first  
23 degree under ORS 164.415 or aggravated identity theft under ORS 165.803;

24 “(B) Two or more previous convictions for any combination of the crimes  
25 listed in subsection (2) of this section; or

26 “(C) A previous conviction for a crime listed in subsection (2) of this  
27 section, if the current crime of conviction was committed while the defendant  
28 was on supervision for the previous conviction or less than three years after  
29 the date the defendant completed the period of supervision for the previous  
30 conviction.



1       “(b) Unauthorized use of a vehicle under ORS 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under  
2 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS 164.377, forgery in the first degree under ORS 165.013,  
3 criminal possession of a forged instrument in the first degree under ORS  
4 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b), possession  
5 of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under  
6 ORS 819.310, the presumptive sentence is 18 months of incarceration, unless  
7 the rules of the Oregon Criminal Justice Commission prescribe a longer  
8 presumptive sentence, if the person has:  
9

10       “(A) A previous conviction for aggravated theft in the first degree under  
11 ORS 164.057, **organized retail theft under ORS 164.098**, unauthorized use  
12 of a vehicle under ORS 164.135, burglary in the first degree under ORS  
13 164.225, robbery in the third degree under ORS 164.395, robbery in the second  
14 degree under ORS 164.405, robbery in the first degree under ORS 164.415,  
15 possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;  
16

17       “(B) Two or more previous convictions for any combination of the crimes  
18 listed in subsection (2) of this section; or  
19

20       “(C) A previous conviction for a crime listed in subsection (2) of this  
21 section, if the current crime of conviction was committed while the defendant  
22 was on supervision for the previous conviction or less than three years after  
23 the date the defendant completed the period of supervision for the previous  
24 conviction.

25       “(c) Theft in the first degree under ORS 164.055 or identity theft under  
26 ORS 165.800, the presumptive sentence is 13 months of incarceration, unless  
27 the rules of the Oregon Criminal Justice Commission prescribe a longer  
28 presumptive sentence, if the person has:

29       “(A) A previous conviction for aggravated theft in the first degree under  
30 ORS 164.057, **organized retail theft under ORS 164.098**, unauthorized use

1 of a vehicle under ORS 164.135, burglary in the first degree under ORS  
2 164.225, robbery in the second degree under ORS 164.405, robbery in the first  
3 degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300,  
4 trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft  
5 under ORS 165.803; or

6 “(B) Four or more previous convictions for any combination of crimes  
7 listed in subsection (2) of this section.

8 “(2) The crimes to which subsection (1) of this section applies are:

9 “(a) Theft in the second degree under ORS 164.045;

10 “(b) Theft in the first degree under ORS 164.055;

11 “(c) Aggravated theft in the first degree under ORS 164.057;

12 “**(d) Organized retail theft under ORS 164.098;**

13 “[*d*] (e) Unauthorized use of a vehicle under ORS 164.135;

14 “[*e*] (f) Mail theft or receipt of stolen mail under ORS 164.162;

15 “[*f*] (g) Burglary in the second degree under ORS 164.215;

16 “[*g*] (h) Burglary in the first degree under ORS 164.225;

17 “[*h*] (i) Criminal mischief in the second degree under ORS 164.354;

18 “[*i*] (j) Criminal mischief in the first degree under ORS 164.365;

19 “[*j*] (k) Computer crime under ORS 164.377;

20 “[*k*] (L) Forgery in the second degree under ORS 165.007;

21 “[*L*] (m) Forgery in the first degree under ORS 165.013;

22 “[*m*] (n) Criminal possession of a forged instrument in the second degree  
23 under ORS 165.017;

24 “[*n*] (o) Criminal possession of a forged instrument in the first degree  
25 under ORS 165.022;

26 “[*o*] (p) Fraudulent use of a credit card under ORS 165.055;

27 “[*p*] (q) Identity theft under ORS 165.800;

28 “[*q*] (r) Possession of a stolen vehicle under ORS 819.300;

29 “[*r*] (s) Trafficking in stolen vehicles under ORS 819.310; and

30 “[*s*] (t) Any attempt to commit a crime listed in this subsection.

1 “(3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this  
2 section shall be increased by two months for each previous conviction the  
3 person has that:

4 “(A) Was for any of the crimes listed in subsection (1) or (2) of this sec-  
5 tion; and

6 “(B) Was not used as a predicate for the presumptive sentence described  
7 in subsection (1)(a) or (b) of this section.

8 “(b) Previous convictions may not increase a presumptive sentence de-  
9 scribed in subsection (1)(a) or (b) of this section by more than 12 months  
10 under this subsection.

11 “(4) The court may impose a sentence other than the sentence provided  
12 by subsection (1) or (3) of this section if the court imposes:

13 “(a) A longer term of incarceration that is otherwise required or author-  
14 ized by law; or

15 “(b) A departure sentence authorized by the rules of the Oregon Criminal  
16 Justice Commission based upon findings of substantial and compelling rea-  
17 sons. Unless the law or the rules of the Oregon Criminal Justice Commission  
18 allow for imposition of a longer sentence, the maximum departure allowed  
19 for a person sentenced under this subsection is double the presumptive sen-  
20 tence provided in subsection (1) or (3) of this section.

21 “(5) Notwithstanding subsection (4)(b) of this section, the court may not  
22 sentence a person under subsection (4) of this section to a term of incarcer-  
23 ation that exceeds the period of time described in ORS 161.605.

24 “(6) The court shall sentence a person under this section to at least the  
25 presumptive sentence described in subsection (1)(a) or (b) or (3) of this sec-  
26 tion, unless the parties stipulate otherwise or the court finds that:

27 “(a) The person was not on probation, parole or post-prison supervision  
28 for a crime listed in subsection (1) of this section at the time of the com-  
29 mission of the current crime of conviction;

30 “(b) The person has not previously received a downward departure from

1 a presumptive sentence for a crime listed in subsection (1) of this section;

2 “(c) The harm or loss caused by the crime is not greater than usual for  
3 that type of crime; and

4 “(d) In consideration of the nature of the offense and the harm to the  
5 victim, a downward departure will:

6 “(A) Increase public safety;

7 “(B) Enhance the likelihood that the person will be rehabilitated; and

8 “(C) Not unduly reduce the appropriate punishment.

9 “(7) When the court imposes a sentence of probation for a conviction for  
10 theft in the first degree or identity theft or under subsection (6) of this sec-  
11 tion, the supervisory authority as defined in ORS 144.087 may require the  
12 person to receive a high level of supervision for at least 12 months, and may  
13 extend the period of high-level supervision for all or part of the remaining  
14 probationary term.

15 “(8)(a) For a crime committed on or after November 1, 1989, a conviction  
16 is considered to have occurred upon the pronouncement of sentence in open  
17 court. However, when sentences are imposed for two or more convictions  
18 arising out of the same conduct or criminal episode, none of the convictions  
19 is considered to have occurred prior to any of the other convictions arising  
20 out of the same conduct or criminal episode.

21 “(b) For a crime committed prior to November 1, 1989, a conviction is  
22 considered to have occurred upon the pronouncement in open court of a  
23 sentence or upon the pronouncement in open court of the suspended imposi-  
24 tion of a sentence.

25 “(9) For purposes of this section, previous convictions must be proven  
26 pursuant to ORS 137.079.

27 “(10) As used in this section:

28 “(a) ‘Downward departure’ means a downward dispositional departure or  
29 a downward durational departure under the rules of the Oregon Criminal  
30 Justice Commission.

1 “(b) ‘Previous conviction’ includes:

2 “(A) Convictions occurring before, on or after July 1, 2003; and

3 “(B) Convictions entered in any other state or federal court for compa-  
4 rable offenses.

5 **“SECTION 4.** ORS 164.055 is amended to read:

6 “164.055. (1) A person commits the crime of theft in the first degree if,  
7 by means other than extortion, the person commits theft as defined in ORS  
8 164.015 and:

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

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

14 “(c) The theft is theft by receiving committed by buying, selling, borrow-  
15 ing or lending on the security of the property;

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

17 “(e) The subject of the theft is a livestock animal, a companion animal  
18 or a wild animal removed from habitat or born of a wild animal removed  
19 from habitat, pursuant to ORS 497.308 (2)(c); [*or*]

20 “(f) The subject of the theft is a precursor substance[.]; **or**

21 **“(g) During the commission of the theft, the person recklessly en-  
22 gages in conduct that creates a substantial risk of serious physical  
23 injury to another person.**

24 “(2) As used in this section:

25 “(a) ‘Companion animal’ means a dog or cat possessed by a person, busi-  
26 ness or other entity for purposes of companionship, security, hunting, herd-  
27 ing or providing assistance in relation to a physical disability.

28 “(b) ‘Explosive’ means a chemical compound, mixture or device that is  
29 commonly used or intended for the purpose of producing a chemical reaction  
30 resulting in a substantially instantaneous release of gas and heat, including

1 but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and  
2 nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder,  
3 smokeless powder, small arms ammunition and small arms ammunition  
4 primers.

5 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210.

6 “(d) ‘Livestock animal’ means a ratite, psittacine, horse, gelding, mare,  
7 filly, stallion, colt, mule, ass, jenny, bull, steer, cow, calf, goat, sheep, lamb,  
8 llama, pig or hog.

9 “(e) ‘Precursor substance’ has the meaning given that term in ORS  
10 475.940.

11 “(3) Theft in the first degree is a Class C felony.

12 **“SECTION 5.** ORS 164.098 is amended to read:

13 “164.098. (1) A person commits the crime of organized retail theft if, act-  
14 ing in concert with another person:

15 “(a) The person violates ORS 164.015 or aids or abets the other person to  
16 violate ORS 164.015;

17 “(b) The subject of the theft is merchandise and the merchandise is taken  
18 from a mercantile establishment; and

19 “(c) The aggregate value of the merchandise taken within any [*90-day*]  
20 **180-day** period exceeds \$5,000.

21 “(2) As used in this section:

22 “(a) ‘Merchandise’ has the meaning given that term in ORS 30.870.

23 “(b) ‘Mercantile establishment’ has the meaning given that term in ORS  
24 30.870.

25 “(3) Organized retail theft is a Class B felony.

26 **“SECTION 6.** ORS 164.115, as amended by section 7, chapter 9, Oregon  
27 Laws 2022, is amended to read:

28 “164.115. For the purposes of chapter 743, Oregon Laws 1971, the value  
29 of property shall be ascertained as follows:

30 “(1) Except as otherwise specified in this section, value means the market

1 value of the property at the time and place of the crime, or if such cannot  
2 reasonably be ascertained, the cost of replacement of the property within a  
3 reasonable time after the crime.

4 “(2) Whether or not they have been issued or delivered, certain written  
5 instruments, not including those having a readily ascertainable market  
6 value, shall be evaluated as follows:

7 “(a) The value of an instrument constituting an evidence of debt, includ-  
8 ing, but not limited to, a check, draft or promissory note, shall be considered  
9 the amount due or collectible thereon or thereby.

10 “(b) The value of any other instrument which creates, releases, discharges  
11 or otherwise affects any valuable legal right, privilege or obligation shall  
12 be considered the greatest amount of economic loss which the owner might  
13 reasonably suffer because of the loss of the instrument.

14 “(3) The value of a gambling chip, token, imitation currency or similar  
15 device is its face value.

16 “(4)(a) The value of the wildlife listed in ORS 496.705 is the amount of  
17 damages as specified in ORS 496.705.

18 “(b) The value of the wildlife listed on the list of prohibited species, as  
19 defined in section 3, chapter 9, Oregon Laws 2022, is the amount of damages  
20 as specified in section 4, chapter 9, Oregon Laws 2022.

21 “(5) When the value of property cannot reasonably be ascertained, it shall  
22 be presumed to be an amount less than \$100 in a case of theft, and less than  
23 \$500 in any other case.

24 “[*(6) The value of single theft transactions may be added together if the*  
25 *thefts were committed.*]

26 “[*(a) Against multiple victims by similar means within a 30-day period;*  
27 *or*]

28 “[*(b) Against the same victim, or two or more persons who are joint owners,*  
29 *within a 180-day period.*]

30 “**(6) The value of single theft transactions may be added together**

1 **if the thefts were committed against the same or multiple victims**  
2 **within a one-year period.”.**

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