

LC 92  
2026 Regular Session  
1/12/26 (JLM/ps)

# D R A F T

## SUMMARY

Digest: The Act tells DOJ to do two studies and adds a way of committing the crime of criminal mistreatment in the first degree. The Act changes what is recorded at GJ, when a person can enter a conditional plea and how a misdemeanor is reduced to a violation. The Act also raises the dollar amounts in the elements of some crimes. (Flesch Readability Score: 61.3).

Directs the Department of Justice to study whether legislative changes are needed concerning credit for time served and post-conviction relief petitions based on nonunanimous jury verdicts. Directs the department to submit findings to the interim committees of the Legislative Assembly related to the judiciary no later than September 15, 2027. Sunsets on January 2, 2028.

Provides that a person commits the crime of criminal mistreatment in the first degree if the person exposes another person to an unlawful controlled substance in a specified manner. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both.

Requires the recording of a presentation of facts to the court by a grand jury for the purpose of receiving further instruction.

Removes the requirement that the state consent to the entry of a conditional plea of guilty or no contest.

Authorizes the court to enter a judgment of conviction for a Class A violation instead of a misdemeanor in specified circumstances.

Increases the dollar amounts in specified property crimes that serve as a minimum value amount of damages or stolen property or as a threshold between offense levels of the crime.

A BILL FOR AN ACT

2 Relating to public safety; creating new provisions; and amending ORS  
3 132.260, 132.370, 135.335, 163.205, 164.043, 164.045, 164.055, 164.057, 164.061,  
4 164.354 and 164.365.

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

**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.

## **CREDIT FOR TIME SERVED**

**SECTION 1.** The Department of Justice, in consultation with the Department of Corrections, shall study whether legislative changes are needed to modify how credit for time served is applied to sentences. The Department of Justice shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to the judiciary no later than September 15, 2027.

**SECTION 2. Section 1 of this 2026 Act is repealed on January 2, 2028.**

## **POST-CONVICTION RELIEF**

**SECTION 3.** The Department of Justice shall study whether legislative changes are needed to modify the procedures for post-conviction relief petitions based on nonunanimous jury verdicts. The department shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to the judiciary no later than September 15, 2027.

**SECTION 4. Section 3 of this 2026 Act is repealed on January 2, 2028.**

## CRIMINAL MISTREATMENT

**SECTION 5.** ORS 163.205 is amended to read:

26        163.205. (1) A person commits the crime of criminal mistreatment in the  
27        first degree if:

28 (a) The person, in violation of a legal duty to provide care for another  
29 person, or having assumed the permanent or temporary care, custody or re-  
30 sponsibility for the supervision of another person, intentionally or  
31 knowingly:

1       (A) Withholds necessary and adequate food, physical care or medical at-  
2 tention from that other person; or

3       **(B) Exposes the other person to an unlawful controlled substance**  
4 **in a manner that results in a detectable level of the controlled sub-**  
5 **stance in the other person's body; or**

6       (b) The person, in violation of a legal duty to provide care for a dependent  
7 person or elderly person, or having assumed the permanent or temporary  
8 care, custody or responsibility for the supervision of a dependent person or  
9 elderly person, intentionally or knowingly:

10       (A) Causes physical injury or injuries to the dependent person or elderly  
11 person;

12       (B) Deserts the dependent person or elderly person in a place with the  
13 intent to abandon that person;

14       (C) Leaves the dependent person or elderly person unattended at a place  
15 for such a period of time as may be likely to endanger the health or welfare  
16 of that person;

17       (D) Hides the dependent person's or elderly person's money or property  
18 or takes the money or property for, or appropriates the money or property  
19 to, any use or purpose not in the due and lawful execution of the person's  
20 responsibility;

21       (E) Takes charge of a dependent or elderly person for the purpose of  
22 fraud;

23       (F) Leaves the dependent person or elderly person, or causes the depend-  
24 ent person or elderly person to enter or remain, in or upon premises:

25       (i) Where a cannabinoid extract as defined in ORS 475C.009 is being pro-  
26 cessed; and

27       (ii) That have not been licensed under ORS 475C.085; or

28       (G) Leaves the dependent person or elderly person, or causes the depend-  
29 ent person or elderly person to enter or remain, in or upon premises where  
30 a chemical reaction involving one or more precursor substances:

31       (i) Is occurring as part of unlawfully manufacturing a controlled sub-

1 stance or grinding, soaking or otherwise breaking down a precursor sub-  
2 stance for the unlawful manufacture of a controlled substance; or

3 (ii) Has occurred as part of unlawfully manufacturing a controlled sub-  
4 stance or grinding, soaking or otherwise breaking down a precursor sub-  
5 stance for the unlawful manufacture of a controlled substance and the  
6 premises have not been certified as fit for use under ORS 453.885.

7 (2) As used in this section:

8 (a) "Controlled substance" has the meaning given that term in ORS  
9 475.005.

10 (b) "Dependent person" means a person who because of either age or a  
11 physical or mental disability is dependent upon another to provide for the  
12 person's physical needs.

13 (c) "Elderly person" means a person 65 years of age or older.

14 (d) "Legal duty" includes but is not limited to a duty created by familial  
15 relationship, court order, contractual agreement or statutory or case law.

16 (e) "Precursor substance" has the meaning given that term in ORS  
17 475.940.

18 (3) Criminal mistreatment in the first degree is a Class C felony.

19

## 20 GRAND JURY RECORDATION

21

22 **SECTION 6.** ORS 132.260 is amended to read:

23 132.260. (1) Except as provided in subsection (2) of this section, the grand  
24 juror described in ORS 132.250 (2)(a), or the shorthand reporter described in  
25 ORS 132.250 (2)(b), who is recording grand jury proceedings shall record all  
26 testimony given before the grand jury, including:

27 (a) The case name and number;

28 (b) The name of each witness appearing before the grand jury; *[and]*

29 (c) Each question asked of, and each response provided by, a witness ap-  
30 pearing before the grand jury[.]; **and**

31 (d) **A presentment made pursuant to ORS 132.370.**

1       (2) The grand juror operating the audio electronic recording device or the  
2 shorthand reporter may not record:

3       (a) The deliberations or voting of the grand jury.

4       [(b) *A presentment made pursuant to ORS 132.370.*]

5       [(c)] (b) Any statements made by a grand juror who is examined as a  
6 witness as provided in ORS 132.350.

7       [(d)] (c) A procedure related to the production of records, or the unsealing  
8 of records, subpoenaed pursuant to ORS 136.583 and to be presented before  
9 the grand jury.

10      (3) The district attorney shall maintain the audio recordings, or report  
11 of the shorthand reporter, produced pursuant to this section and ORS  
12 132.250.

13      **SECTION 7.** ORS 132.370 is amended to read:

14      132.370. (1) When the grand jury is in doubt whether the facts, as shown  
15 by the evidence before it, constitute a crime in law or whether the same has  
16 ceased to be punishable by reason of lapse of time or a former acquittal or  
17 conviction, it may make a presentment of the facts to the court, without  
18 mentioning the names of individuals, and ask the court for instructions  
19 concerning the law arising thereon.

20      (2) A presentment cannot be found and made to the court except as pro-  
21 vided in subsection (1) of this section, and, when so found and presented, the  
22 court shall give such instructions to the grand jury concerning the law of  
23 the case as it thinks proper and necessary.

24      (3) A presentment is made to the court by the foreman in the presence  
25 of the grand jury[. *But being a mere*] and is a formal statement of facts for  
26 the purpose of obtaining the advice of the court as to the law arising  
27 thereon[, *it is not to be filed in court or preserved beyond the sitting of the*  
28 *grand jury*].

29

30                   **CONDITIONAL PLEAS**

31

1       **SECTION 8.** ORS 135.335 is amended to read:

2       135.335. (1) The kinds of plea to an indictment, information or complaint,

3       or each count thereof, are:

4       (a) Guilty.

5       (b) Not guilty.

6       (c) No contest.

7       (2) A defendant may plead no contest only with the consent of the court.

8       Such a plea shall be accepted by the court only after due consideration of  
9       the views of the parties and the interest of the public in the effective ad-  
10      ministration of justice.

11      (3) With the consent of the court [*and the state*], a defendant may enter  
12      a conditional plea of guilty or no contest reserving, in writing, the right, on  
13      appeal from the judgment, to a review of an adverse determination of any  
14      specified pretrial motion. A defendant who finally prevails on appeal may  
15      withdraw the plea.

16

## 17           **REDUCTION OF MISDEMEANORS TO VIOLATIONS**

18

19       **SECTION 9.** Section 10 of this 2026 Act is added to and made a part  
20      of ORS 161.705 to 161.737.

21       **SECTION 10.** (1) Notwithstanding ORS 161.545, and except as pro-  
22      vided in subsection (3) of this section, the court may enter a judgment  
23      of conviction for a Class A violation and make disposition accordingly  
24      when:

25       (a) A person is convicted of any misdemeanor other than one listed  
26      in subsection (3) of this section; and

27       (b) The court, considering the nature and circumstances of the  
28      crime and the history and character of the defendant, believes that a  
29      violation conviction is appropriate.

30       (2) The entry of a judgment of conviction for a Class A violation  
31      under this section may be made at the time of conviction and the

1   **court shall clearly denominate the offense as a Class A violation in the**  
2   **judgment.**

3   **(3) A court may not enter a judgment of conviction for a violation**  
4   **for the following misdemeanors under this section:**

5   **(a) Assault in the fourth degree under ORS 163.160;**  
6   **(b) Strangulation under ORS 163.187;**  
7   **(c) Menacing under ORS 163.190;**  
8   **(d) Sexual abuse in the third degree under ORS 163.415;**  
9   **(e) Contributing to the sexual delinquency of a minor under ORS**  
10   **163.435;**

11   **(f) Sexual misconduct under ORS 163.445;**  
12   **(g) Custodial sexual misconduct in the second degree under ORS**  
13   **163.454;**

14   **(h) Unlawful dissemination of an intimate image under ORS 163.472;**  
15   **(i) Encouraging child sexual abuse in the third degree under ORS**  
16   **163.687;**

17   **(j) Invasion of personal privacy in the second degree under ORS**  
18   **163.700;**

19   **(k) Stalking under ORS 163.732;**  
20   **(L) Violating a court's stalking protective order under ORS 163.750;**  
21   **(m) Fleeing or attempting to elude a police officer under ORS**  
22   **811.540;**

23   **(n) Driving under the influence of intoxicants under ORS 813.010;**  
24   **(o) A misdemeanor constituting domestic violence as defined in**  
25   **ORS 135.230;**

26   **(p) A misdemeanor that was originally charged as a felony and for**  
27   **which the court entered a judgment of conviction for a misdemeanor**  
28   **under ORS 161.705; or**

29   **(q) A misdemeanor for which an order of restitution is outstanding.**  
30   **(4) Notwithstanding ORS 153.019 and 153.021, if the court enters a**  
31   **judgment of conviction for a Class A violation under this section, the**

1 fine that the court may impose:

2 (a) May be waived, after the court has taken into consideration the  
3 defendant's ability to pay and whether the defendant has already paid  
4 any fines, fees or restitution on the charge;

5 (b) May be less than the presumptive fine established by ORS 153.019  
6 for a Class A violation; and

7 (c) May not exceed the maximum fine established by ORS 153.018  
8 for a Class A violation.

9 (5) Notwithstanding subsections (1) and (3) of this section, the court  
10 may reduce any misdemeanor, other than a misdemeanor listed in  
11 subsection (3)(m) or (n) of this section, to a violation at any time after  
12 the filing of an information upon agreement of the defendant and  
13 prosecutor.

14 **SECTION 11.** Section 10 of this 2026 Act applies to offenses com-  
15 mitted on or after the effective date of this 2026 Act.

16

## 17 OFFENSE LEVELS BASED ON DOLLAR AMOUNTS

18

19 **SECTION 12.** ORS 164.043 is amended to read:

20 164.043. (1) A person commits the crime of theft in the third degree if:

21 (a) By means other than extortion, the person commits theft as defined  
22 in ORS 164.015; and

23 (b) The total value of the property in a single or an aggregate transaction  
24 is less than [\$100] \$150.

25 (2) Theft in the third degree is a Class C misdemeanor.

26 **SECTION 13.** ORS 164.045 is amended to read:

27 164.045. (1) A person commits the crime of theft in the second degree if:

28 (a) By means other than extortion, the person commits theft as defined  
29 in ORS 164.015; and

30 (b) The total value of the property in a single or aggregate transaction  
31 is [\$100] \$150 or more and less than [\$1,000] \$1,500.

1       (2) Theft in the second degree is a Class A misdemeanor.

2       **SECTION 14.** ORS 164.055 is amended to read:

3       164.055. (1) A person commits the crime of theft in the first degree if, by  
4       means other than extortion, the person commits theft as defined in ORS  
5       164.015 and:

6       (a) The total value of the property in a single or aggregate transaction  
7       is ~~[\$1,000]~~ **\$1,500** or more;

8       (b) The theft is committed during a riot, fire, explosion, catastrophe or  
9       other emergency in an area affected by the riot, fire, explosion, catastrophe  
10      or other emergency;

11      (c) The theft is theft by receiving committed by buying, selling, borrowing  
12      or lending on the security of the property;

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

14      (e) The subject of the theft is a livestock animal, a companion animal or  
15      a wild animal removed from habitat or born of a wild animal removed from  
16      habitat, pursuant to ORS 497.308 (2)(c);

17      (f) The subject of the theft is a precursor substance; or

18      (g) During the commission of the theft, the person recklessly engages in  
19      conduct that creates a substantial risk of serious physical injury to another  
20      person.

21      (2) As used in this section:

22      (a) "Companion animal" means a dog or cat possessed by a person, busi-  
23      ness or other entity for purposes of companionship, security, hunting, herd-  
24      ing or providing assistance in relation to a physical disability.

25      (b) "Explosive" means a chemical compound, mixture or device that is  
26      commonly used or intended for the purpose of producing a chemical reaction  
27      resulting in a substantially instantaneous release of gas and heat, including  
28      but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and  
29      nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder,  
30      smokeless powder, small arms ammunition and small arms ammunition  
31      primers.

1       (c) "Firearm" has the meaning given that term in ORS 166.210.  
2       (d) "Livestock animal" means a ratite, psittacine, horse, gelding, mare,  
3       filly, stallion, colt, mule, ass, jenny, bull, steer, cow, calf, goat, sheep, lamb,  
4       llama, pig or hog.

5       (e) "Precursor substance" has the meaning given that term in ORS  
6       475.940.

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

8       **SECTION 15.** ORS 164.057 is amended to read:

9       164.057. (1) A person commits the crime of aggravated theft in the first  
10      degree, if:

11      (a)(A) The person violates ORS 164.055 with respect to property, other  
12      than a motor vehicle used primarily for personal rather than commercial  
13      transportation; and

14      [(b)] (B) The value of the property in a single or aggregate transaction  
15      is **[\$10,000] \$15,000 or more; or**

16      **(b)(A) The person violates ORS 164.055 with respect to property,  
17      other than a motor vehicle used primarily for personal rather than  
18      commercial transportation;**

19      **(B) The victim of the theft was 65 years of age or older at the time  
20      of the commission of the offense; and**

21      **(C) The value of the property stolen from the victim described in  
22      subparagraph (B) of this paragraph, in a single or aggregate trans-  
23      action, is \$10,000 or more.**

24      (2) Aggravated theft in the first degree is a Class B felony.

25       **SECTION 16.** ORS 164.061 is amended to read:

26       164.061. When a person is convicted of aggravated theft in the first degree  
27      under ORS 164.057 (b), the court shall sentence the person to a term of in-  
28      carceration ranging from 16 months to 45 months, depending on the person's  
29      criminal history, if:

30      (1) The victim of the theft was 65 years of age or older at the time of the  
31      commission of the offense; and

1       (2) The value of the property stolen from the victim described in sub-  
2 section (1) of this section, in a single or aggregate transaction, is \$10,000 or  
3 more.

4       **SECTION 17.** ORS 164.354 is amended to read:

5       164.354. (1) A person commits the crime of criminal mischief in the second  
6 degree if:

7       (a) The person violates ORS 164.345, and as a result thereof, damages  
8 property in an amount exceeding [\$500] **\$750**; or

9       (b) Having no right to do so nor reasonable ground to believe that the  
10 person has such right, the person intentionally damages property of another,  
11 or, the person recklessly damages property of another in an amount exceed-  
12 ing [\$500] **\$750**.

13       (2) Criminal mischief in the second degree is a Class A misdemeanor.

14       **SECTION 18.** ORS 164.365 is amended to read:

15       164.365. (1) A person commits the crime of criminal mischief in the first  
16 degree who, with intent to damage property, and having no right to do so  
17 nor reasonable ground to believe that the person has such right:

18       (a) Damages or destroys property of another:

19       (A) In an amount exceeding [\$1,000] **\$1,500**;

20       (B) By means of an explosive;

21       (C) By starting a fire in an institution while the person is committed to  
22 and confined in the institution;

23       (D) Which is a livestock animal as defined in ORS 164.055;

24       (E) Which is the property of a public utility, telecommunications carrier,  
25 railroad, public transportation facility or medical facility used in direct ser-  
26 vice to the public; or

27       (F) By intentionally interfering with, obstructing or adulterating in any  
28 manner the service of a public utility, telecommunications carrier, railroad,  
29 public transportation facility or medical facility; or

30       (b) Intentionally uses, manipulates, arranges or rearranges the property  
31 of a public utility, telecommunications carrier, railroad, public transporta-

1 tion facility or medical facility used in direct service to the public so as to  
2 interfere with its efficiency.

3 (2) As used in subsection (1) of this section:

4 (a) "Institution" includes state and local correctional facilities, mental  
5 health facilities, juvenile detention facilities and state training schools.

6 (b) "Medical facility" means a health care facility as defined in ORS  
7 442.015, a licensed physician's office or anywhere a licensed medical practi-  
8 tioner provides health care services.

9 (c) "Public utility" has the meaning provided for that term in ORS 757.005  
10 and includes any cooperative, people's utility district or other municipal  
11 corporation providing an electric, gas, water or other utility service.

12 (d) "Railroad" has the meaning provided for that term in ORS 824.020.

13 (e) "Public transportation facility" means any property, structure or  
14 equipment used for or in connection with the transportation of persons for  
15 hire by rail, air or bus, including any railroad cars, buses or airplanes used  
16 to carry out such transportation.

17 (f) "Telecommunications carrier" has the meaning given that term in ORS  
18 133.721.

19 (3) Criminal mischief in the first degree is a Class C felony.

20 **SECTION 19. The amendments to ORS 164.043, 164.045, 164.055,**  
21 **164.057, 164.061, 164.354 and 164.365 by sections 12 to 18 of this 2026 Act**  
22 **apply to conduct constituting, or alleged to constitute, a criminal of-**  
23 **fense occurring on or after the effective date of this 2026 Act.**

24

25 **CAPTIONS**

26

27 **SECTION 20. The unit captions used in this 2026 Act are provided**  
28 **only for the convenience of the reader and do not become part of the**  
29 **statutory law of this state or express any legislative intent in the**  
30 **enactment of this 2026 Act.**