

House Bill 2045

Sponsored by Representatives WRIGHT, ELMER, BOICE; Representatives LEVY B, LEWIS, OSBORNE, RESCHKE, SCHARF, Senators SMITH DB, THATCHER (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act requires a court to order the removal of a trespasser at the land owner's request. (Flesch Readability Score: 65.1).

Requires courts to order the removal of trespassers from a residence upon a sworn declaration from an owner or their agent. Requires law enforcement to execute the order. Provides for statutory damages for individuals harmed by wrongful use of the process.

A BILL FOR AN ACT

Relating to trespassers; and prescribing an effective date.

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

SECTION 1. (1) As used in sections 1 to 4 of this 2025 Act:

(a) "Law enforcement agency" means a sheriff or municipal law enforcement agency or unit.

(b) "Removal petition" means a petition for removal of trespassers from a residence as described in subsection (2) of this section.

(c) "Residence" means a property with a residential unit and includes any garage, shed, outbuilding or other structure commonly associated with a residential unit.

(d) "Trespasser" means an individual occupying a portion of a residence as described in paragraphs 7 to 12 of the removal petition provided in subsection (2) of this section.

(2) Any owner of a residence or the owner's agent may file a removal petition with the circuit court alleging that the residence is occupied by trespassers and requesting that the court issue an order of immediate removal. A removal petition must be made under penalty of perjury and in substantially the following form:

IN THE _____ COURT FOR
THE COUNTY OF _____

_____)
_____)
In re: the residence _____)
at _____) No. _____
_____)

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.

PETITION FOR REMOVAL OF TRESPASSERS FROM
RESIDENTIAL PROPERTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

1. One or more trespassers are now occupying the real property commonly known as _____ (address).

2. I, _____ (name):

a. Am the owner of the property; OR

b. Am an agent of the owner of the property, _____ (name), and am authorized by the owner to execute this declaration for the purpose of removing all trespassers.

3. The owner received good title to the property on _____ (date), as demonstrated on the attached preliminary title report.

4. Prior to the trespass, the owner, prior owner, or an agent or tenant of the owner or prior owner was last in possession of the property on or about _____ (date). After that time, the property was believed to be vacant.

5. The owner or the owner's agent is entitled to immediate and exclusive possession of the property.

6. The real property contains a residential dwelling.

7. Each trespasser has unlawfully entered the residential dwelling, including any garage, shed, outbuilding or other structure associated with the dwelling, and is presently unlawfully occupying the residential dwelling.

8. At no point did any trespasser have any oral or written permission from the owner, prior owner or any agent of the owner or prior owner to enter or occupy the property. Such permission may include any formal or informal agreement, including, but not limited to, an oral or written residential tenancy agreement, vacation occupancy agreement, sales agreement, land sale contract, agreement to provide care or assistance to a person upon the residence, or agreement implied by any romantic or other mutual benefit relationship.

9. The real property was not made open to the public at the time that any trespasser took possession.

10. No trespasser is an immediate family member or former immediate family member of any owner or the agent of an owner.

11. There is no pending litigation between the owner and any trespasser related to the possession or title of the property.

12. I have directed the trespassers to leave the real property, but they have refused or failed to do so.

13. I have made a request to the _____ (name of law enforcement agency) to remove all trespassers, but they have been unwilling to assist.

14. I hereby request that the court issue and order to the _____ (law enforcement agency) to immediately remove all trespassers and restore me to possession of the property.

15. I understand that under section 4 of this 2025 Act, individuals removed from the property pursuant to this procedure may bring a claim against me for any materially false statements made in this declaration, or any wrongful use of the trespasser removal procedure under section 3 of this 2025 Act, and that as a result of such action, in addition to allowing the occupants to retake possession, I may be held liable for actual damages, statutory damages, costs and attorney fees of individuals wrongfully removed.

1 **16. I hereby declare that the above statement is true to the best of my knowledge and**
2 **belief, and that I understand it is made for use as evidence in court and is subject to penalty**
3 **for perjury.**

4
5 _____
6 **Signature of owner or agent**
7 **Date:** _____
8 **Phone:** _____
9 **Email:** _____
10 **Mailing address:** _____
11 _____

12
13 **Attached to this removal petition is:**

- 14 **1. A copy of my valid government-issued identification;**
15 **2. A preliminary title report issued within the preceding 30 days; and**
16 **3. If I am an agent of the property owner, documents evidencing my authority to act on**
17 **the property owner’s behalf.**

18 _____
19
20 **SECTION 2. (1) Upon receipt of a petition for removal of a trespasser under section 1 of**
21 **this 2025 Act, the circuit court shall hold an ex parte hearing in person or by telephone on**
22 **the day that the removal petition is filed or the following judicial day.**

23 **(2) Upon a showing by the petitioner that the residence is occupied by one or more**
24 **trespassers, that the petition is complete and that the matters alleged within the petition**
25 **are true, the court shall issue an order in substantially the following form:**

26 _____
27
28 **IN THE _____ COURT FOR**
29 **THE COUNTY OF _____**

30
31 _____)
32)
33 **In re: the residence**)
34 **at _____**) **No. ____**
35)

36 _____
37
38 **ORDER OF REMOVAL OF INDIVIDUALS FROM REAL PROPERTY**

39
40 **To: County Sheriff or Municipal Law Enforcement Agency with jurisdiction over**
41 **_____ (address).**

- 42
43 **1. One or more trespassers are now occupying the real property described above.**
44 **2. The real property is owned by _____. The owner’s agent, if any, is**
45 **_____.**

1 3. Upon the payment by the owner or owner’s agent of any fee required for the service
2 or execution of this order, you are hereby ordered to enter the dwelling and any garage,
3 shed, outbuilding or other structure associated with the dwelling, or any vehicle, recreational
4 vehicle, boat or other similar vehicle on the property, and to use reasonable force to remove
5 any individuals found on the property, and to enable the owner or owner’s agent to be re-
6 turned to possession of the property.

7 4. In executing this order, you are authorized to use reasonable force and to arrest any
8 individual on suspicion of trespass.

9 5. Upon or after removal of all individuals, you are ordered to serve by hand delivery to
10 each occupant of the property and to post on each entrance of the residence a residential
11 trespass notice as provided under section 3 of this 2025 Act.

12 _____
13
14 **SECTION 3.** (1) A law enforcement agency with jurisdiction over a residence that re-
15 ceives a removal order under section 2 of this 2025 Act shall execute the order by removing
16 all trespassers from the property. The law enforcement agency may charge a reasonable fee
17 as established by the agency before enforcing the order to remove trespassers.

18 (2) Upon or after removal of the trespassers pursuant to this section, the law enforce-
19 ment agency shall hand-deliver to any occupant of the property and post on each entrance
20 of the residence a copy of the order and removal petition, as well as a trespass notice in
21 substantially the following form:

22 _____
23
24 **In the Circuit Court for the**
25 **County of _____**

26
27 **TRESPASS NOTICE**

28
29 **Case Number _____**

30
31 **TO: _____**

32 **OCCUPANTS**

33 _____

34 _____

35 _____

36 **(Address of property)**

37
38 Upon review of the removal petition made by, or on behalf of, the owner of the property,
39 a court has determined that occupants of the property located at the address above are be-
40 lieved to be trespassing, and the court has issued an order of removal. A copy of the order
41 and the owner’s removal petition in support of these claims is attached.

42 Continuing to trespass or entering into or upon these premises without written consent
43 of the owner will result in arrest and prosecution.

44 Any personal property that is present on these premises at the time this notice was
45 served is considered abandoned and may be immediately disposed of.

1 Any individual harmed by a wrongful removal of their person or personal property based
2 on a knowingly made materially false statement under section 1 (2) of this 2025 Act may
3 bring a claim for damages and attorney fees as provided in section 4 of this 2025 Act against
4 the person who made the removal petition.

6
7 (3) An owner who is put into possession of the residence under this section may treat
8 any personal property left within the residence as abandoned and may, without prior notice,
9 immediately dispose of personal property as defined in ORS 90.425 (1), with the exception of:

10 (a) Vehicles, which may be removed as provided in ORS 98.830; and

11 (b) Manufactured dwellings, which may be sold or disposed of in the manner provided for
12 under ORS 90.425, except that no notice or proceeds of a sale are required to be provided to
13 any occupant or trespasser.

14 (4) In performing actions authorized or required under this section, a law enforcement
15 agency may not be found liable, regardless of fault, to the owner, owner's agent, occupant,
16 trespasser or any other party for any loss, destruction, damage of property or personal
17 property or liable for any injury to any individual upon the property.

18 (5) This section does not limit the rights of a property owner or law enforcement agency
19 with respect to unlawful trespass, vandalism, theft or other crimes.

20 SECTION 4. (1) An individual who was removed as a trespasser under section 3 of this
21 2025 Act, or whose personal property was removed or destroyed following the enforcement
22 of an order under section 3 of this 2025 Act, may file a response to the removal petition with
23 the court alleging that:

24 (a) The individual was entitled to possession of the residence at the time of removal;

25 (b) The individual was wrongfully removed under section 3 of this 2025 Act; or

26 (c) The individual's personal property was wrongfully treated as abandoned under section
27 3 of this 2025 Act.

28 (2) If a response is received, the court shall set the matter for a hearing within seven
29 days. The sole matters to be resolved at the hearing are the allegations in the removal pe-
30 tition and the right to relief under subsection (3) of this section.

31 (3) Any individual, even one who is not a tenant or otherwise entitled to possession of
32 the residence, is entitled to an award as provided under ORS 90.375, including reasonable
33 attorney fees and injunctive relief to recover possession of the residence, if the individual
34 was removed or their personal property destroyed under sections 1 to 4 of this 2025 Act based
35 upon:

36 (a) Statements material to the approval of the removal petition made under section 1 (2)
37 of this 2025 Act that the petitioner knew were false; or

38 (b) Other wrongful use of the removal petition process provided under sections 1 to 4 of
39 this 2025 Act.

40 SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025
41 regular session of the Eighty-third Legislative Assembly adjourns sine die.
