

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 275**

1 In line 2 of the printed bill, after “theft” insert “; creating new provisions;
2 amending ORS 137.686, 164.055, 164.098 and 164.377; and declaring an emer-
3 gency”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1.** 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, **regardless of whether the**
16 **person was involved in the initial theft;**

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

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

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

1 “(g) During the commission of the theft, the person recklessly engages in
2 conduct that creates a substantial risk of serious physical injury to another
3 person[.]; **or**

4 **“(h) The theft is committed while utilizing an emergency exit.**

5 “(2) As used in this section:

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

9 **“(b) ‘Emergency exit’ means a door designated by signage as an exit**
10 **for emergency use only that is kept closed and not used for routine**
11 **entry into or egress from a building during normal business hours,**
12 **regardless of whether the door is equipped with an audible or visual**
13 **alarm.**

14 “[*b*] (c) ‘Explosive’ means a chemical compound, mixture or device that
15 is commonly used or intended for the purpose of producing a chemical re-
16 action resulting in a substantially instantaneous release of gas and heat,
17 including but not limited to dynamite, blasting powder, nitroglycerin, blast-
18 ing caps and nitrojelly, but excluding fireworks as defined in ORS 480.111,
19 black powder, smokeless powder, small arms ammunition and small arms
20 ammunition primers.

21 “[*c*] (d) ‘Firearm’ has the meaning given that term in ORS 166.210.

22 “[*d*] (e) ‘Livestock animal’ means a ratite, psittacine, horse, gelding,
23 mare, filly, stallion, colt, mule, ass, jenny, bull, steer, cow, calf, goat, sheep,
24 lamb, llama, pig or hog.

25 “[*e*] (f) ‘Precursor substance’ has the meaning given that term in ORS
26 475.940.

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

28 **“SECTION 2. ORS 164.098 is amended to read:**

29 **“164.098. (1) A person commits the crime of organized retail theft if, act-**
30 **ing **individually or** in concert with another person:**

1 “(a) The person violates ORS 164.015 or aids or abets [*the other*] **another**
2 person to violate ORS 164.015;

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

5 “(c) The aggregate value of the merchandise taken within any 180-day
6 period exceeds \$5,000.

7 “(2) As used in this section:

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

9 “(b) ‘Mercantile establishment’ has the meaning given that term in ORS
10 30.870.

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

12 “**SECTION 3.** ORS 164.377 is amended to read:

13 “164.377. (1) As used in this section:

14 “(a) To ‘access’ means to instruct, communicate with, store data in, re-
15 trieve data from, **cause in any manner an entry to be made in, including**
16 **an entry made by another**, or otherwise make use of any resources of a
17 computer, computer system or computer network.

18 “(b) ‘Computer’ means, but is not limited to, an electronic, magnetic, op-
19 tical electrochemical or other high-speed data processing device that per-
20 forms logical, arithmetic or memory functions by the manipulations of
21 electronic, magnetic or optical signals or impulses, and includes the compo-
22 nents of a computer and all input, output, processing, storage, software or
23 communication facilities that are connected or related to such a device in a
24 system or network.

25 “(c) ‘Computer network’ means, but is not limited to, the interconnection
26 of communication lines, including microwave or other means of electronic
27 communication, with a computer through remote terminals or a complex
28 consisting of two or more interconnected computers.

29 “(d) ‘Computer program’ means, but is not limited to, a series of in-
30 structions or statements, in a form acceptable to a computer, which permits

1 the functioning of a computer system in a manner designed to provide ap-
2 propriate products from or usage of such computer system.

3 “(e) ‘Computer software’ means, but is not limited to, computer programs,
4 procedures and associated documentation concerned with the operation of a
5 computer system.

6 “(f) ‘Computer system’ means, but is not limited to, a set of related, con-
7 nected or unconnected, computer equipment, devices and software. ‘Computer
8 system’ also includes any computer, device or software owned or operated
9 by the Oregon State Lottery or rented, owned or operated by another person
10 or entity under contract to or at the direction of the Oregon State Lottery.

11 “(g) ‘Data’ means a representation of information, knowledge, facts, con-
12 cepts, computer software, computer programs or instructions. ‘Data’ may be
13 in any form, in storage media, or as stored in the memory of the computer,
14 or in transit, or presented on a display device. ‘Data’ includes, but is not
15 limited to, computer or human readable forms of numbers, text, stored voice,
16 graphics and images.

17 “(h) ‘Intimate image’ means a photograph, film, video, recording, digital
18 picture or other visual reproduction of a person whose intimate parts are
19 visible or who is engaged in sexual conduct.

20 “(i) ‘Intimate parts’ means uncovered human genitals, pubic areas or fe-
21 male nipples.

22 “(j) ‘Property’ includes, but is not limited to, financial instruments, in-
23 formation, including electronically produced data, and computer software
24 and programs in either computer or human readable form, intellectual prop-
25 erty and any other tangible or intangible item of value.

26 “(k) ‘Proprietary information’ includes any scientific, technical or com-
27 mercial information including any design, process, procedure, list of cus-
28 tomers, list of suppliers, customers’ records or business code or improvement
29 thereof that is known only to limited individuals within an organization and
30 is used in a business that the organization conducts. The information must

1 have actual or potential commercial value and give the user of the informa-
2 tion an opportunity to obtain a business advantage over competitors who do
3 not know or use the information.

4 “(L) ‘Services’ includes, but is not limited to, computer time, data pro-
5 cessing and storage functions.

6 “(m) ‘Sexual conduct’ means sexual intercourse or oral or anal sexual
7 intercourse, as those terms are defined in ORS 163.305, or masturbation.

8 “(2) Any person commits computer crime who knowingly accesses, at-
9 tempts to access or uses, or attempts to use, any computer, computer system,
10 computer network or any part thereof for the purpose of:

11 “(a) Devising or executing any scheme or artifice to defraud;

12 “(b) Obtaining money, property or services by means of false or fraudulent
13 pretenses, representations or promises; [*or*]

14 “(c) Committing theft, including, but not limited to, theft of proprietary
15 information or theft of an intimate image; **or**

16 **“(d) Buying or selling stolen items.**

17 “(3) Any person who knowingly and without authorization alters, damages
18 or destroys any computer, computer system, computer network, or any com-
19 puter software, program, documentation or data contained in such computer,
20 computer system or computer network, commits computer crime.

21 “(4) Any person who knowingly and without authorization uses, accesses
22 or attempts to access any computer, computer system, computer network, or
23 any computer software, program, documentation or data contained in such
24 computer, computer system or computer network, commits computer crime.

25 “(5)(a) A violation of the provisions of subsection (2) or (3) of this section
26 shall be a Class C felony. Except as provided in paragraph (b) of this sub-
27 section, a violation of the provisions of subsection (4) of this section shall
28 be a Class A misdemeanor.

29 “(b) Any violation of this section relating to a computer, computer net-
30 work, computer program, computer software, computer system or data owned

1 or operated by the Oregon State Lottery or rented, owned or operated by
2 another person or entity under contract to or at the direction of the Oregon
3 State Lottery Commission shall be a Class C felony.

4 **“SECTION 4.** ORS 137.686 is amended to read:

5 “137.686. (1) The Organized Retail Theft Grant Program is established to
6 assist:

7 “(a) Cities and counties with the costs incurred by local law enforcement
8 agencies in addressing organized retail theft; **and**

9 “(b) The Department of [*State Police*] **Justice** with costs incurred by the
10 department in addressing organized retail theft[; *and*].

11 “[*(c) Community-based organizations in addressing organized retail theft.*]

12 “(2) The Oregon Criminal Justice Commission shall administer the grant
13 program described in subsection (1) of this section and shall award the
14 grants described in this section.

15 “[*(3) The commission shall adopt rules to administer the grant program.*
16 *Rules adopted under this section must include:*]

17 “[*(a) A methodology for reviewing and approving grant applications and*
18 *awarding grants; and*]

19 “[*(b) A process for evaluating the efficacy of programs and services funded*
20 *by the grant program.*]

21 “[*(4)*] **(3)** Moneys distributed to grant recipients under this section must
22 be spent on costs associated with addressing and prosecuting organized retail
23 theft **and may be used for the purchase of equipment.**

24 “[*(5)*] **(4)** The commission shall establish [*three*] **two** categories of grants
25 under this section as follows:

26 “(a) Grants awarded, on a competitive basis, to cities and counties; **and**

27 “[*(b) Grants awarded, on a competitive basis, to community-based organ-*
28 *izations; and*]

29 “[*(c) Grants awarded to the department.*]

30 **“(b) Grants awarded to the Department of Justice.**

1 “(5) As used in this section, ‘equipment’ means any item used by
2 peace officers, deputy district attorneys or retail asset protection in-
3 vestigators in detecting, investigating, documenting or adjudicating
4 organized retail theft activities.

5 “SECTION 5. The Oregon Criminal Justice Commission shall pro-
6 vide a report on the Organized Retail Theft Grant Program established
7 by ORS 137.686, in the manner provided by ORS 192.245, to the interim
8 committees of the Legislative Assembly related to the judiciary no
9 later than September 1, 2027.

10 “SECTION 6. Section 5 of this 2025 Act is repealed on January 2,
11 2028.

12 “SECTION 7. Sections 5 and 6 of this 2025 Act and the amendments
13 to ORS 164.055, 164.098 and 164.377 by sections 1 to 3 of this 2025 Act
14 become operative on January 1, 2026.

15 “SECTION 8. This 2025 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2025 Act takes effect on its passage.”.

18 _____