

Chapter 9.08

STATE CRIMINAL STATUTES ADOPTED

Sections:

9.08.010 Adoption of statutes.

9.08.010 Adoption of statutes. The following sections of the Oregon Criminal Code of 1971 are adopted by reference in their entirety; all references are to Oregon Revised Statutes in effect at the time of adoption of this ordinance. Any violation of the following provisions of the Oregon Criminal Code of 1971 shall be an offense against the city.

State Criminal Laws A. General Provisions.

1. Principles.

ORS Number Title

161.015 General Definitions.

2. Criminal Liability.

ORS Number Title

161.085 Definitions with respect to culpability.

161.095 Requirements of culpability.

161.105 Culpability requirements inapplicable to certain violations. 161.115
Construction of statutes with
respect to culpability.

161.125 Intoxication; drug or controlled
substance dependence as defense.

3. Parties to Crime.

ORS Number Title

161.150 Criminal liability described.

161.155 Criminal liability for conduct of another.

161.160 Defense to criminal liability for conduct of another.

161.165 Exemptions to criminal liability for conduct of another.

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161.170 Criminal liability of corporations.

161.175 Criminal liability of an individual for corporate conduct.

4. Justification.

ORS Number Title

161.190 Justification as a defense.

161.195 "Justification" described.

161.200 Choice of evils.

161.205 Use of physical force generally.

161.209 Use of physical force in defense of a person. 161.215 Limitations on use of physical force in defense of a person. 161.225 Use of physical force in defense of premises.
161.229 Use of physical force in defense of property.
161.235 Use of physical force in making an arrest or in preventing an escape.
161.239 Use of deadly physical force in making an arrest or in preventing an escape.
161.245 "Reasonable belief" described; status of unlawful arrest. 161.249 Use of physical force by private person assisting an arrest. 161.255 Use of physical force by private person making citizen's arrest. 161.260 Use of physical force in resisting arrest prohibited.
161.265 Use of physical force to prevent escape.
161.270 Duress.
161.275 Entrapment.

5. Responsibility.

<u>ORS Number</u>	<u>Title</u>
161.290	Incapacity due to immaturity.
161.295	Effect of mental disease or defect; guilty except for insanity. 161.300 Evidence of disease or defect admissible as to intent.
161.305	Disease or defect as affirmative defense.

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6. Inchoate Crimes.

<u>ORS Number</u>	<u>Title</u>
161.405	"Attempt" described.
161.425	Impossibility not a defense.
161.430	Renunciation as a defense to attempt.
161.435	"Solicitation" described.
161.440	"Conspiracy" described.
161.450	
161.455	Conspiratorial relationship.
161.460	Renunciation as defense to conspiracy.
161.465	Duration of conspiracy.
161.475	Defenses to solicitation and conspiracy.

161.485 Multiple convictions barred in inchoate crimes.

7. Classes of Offense.

<u>ORS Number</u>	<u>Title</u>
161.505	"Offense" described.
161.515(1)	"Crime" described.
161.545	"Misdemeanor" described.
161.555	Classification of misdemeanors.
161.565	"Violation" described.
161.575	Types of violations

8. Disposition of Offenders.

<u>ORS Number</u>	<u>Title</u>
161.615	Prison terms for misdemeanors.
161.635	Fines for misdemeanors.
161.645	Standards for imposing fines.
161.665	Costs.
161.675	Time and method of payment of fines, restitution and costs. 161.685 Effect of nonpayment of fines, restitution or costs.

B. Offense Against the State and Public Justice. 1. Definitions.

<u>ORS Number</u>	<u>Title</u>
162.005	Definitions for ORS 162.005 to 162.425. (Scappoose 10/96) 100 9.08.010

2. Perjury and Related offenses.

<u>ORS Number</u>	<u>Title</u>
162.075	False swearing.
162.085	Unsworn falsification.
162.095	Defenses to perjury and false swearing limited.
162.105	Retraction as defense.
162.115	Corroboration of falsity required.

3. Escape and Related Offenses.

<u>ORS Number</u>	<u>Title</u>
162.145	Escape in the third degree.
162.195	Failure to appear in the second degree.

4. Obstructing Governmental Administration.

<u>ORS Number</u>	<u>Title</u>
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162.225 Definitions for ORS 162.225 to
162.375.
162.235 Obstructing governmental or judicial administration.
162.245 Refusing to assist a peace officer.
162.255 Refusing to assist in fire-fighting operation.
162.295 Tampering with physical evidence.
162.305 Tampering with public records.
162.315 Resisting arrest.
162.355 Simulating legal process.
162.365 Criminal impersonation.
162.369 Possession of false law enforcement ID card.
162.375 Initiating a false report.
162.385 Giving false information to po
lice officer for a citation.

5. Abuse of Public Office.

ORS Number Title

162.405 Official misconduct in the first
degree.
162.415 Official misconduct in the second
degree.
162.425 Misuse of confidential information.
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C. Offenses Against Persons.

1. Assault and Related Offenses.

ORS Number Title

163.160 Assault in the fourth degree.
163.190 Menacing.
163.195 Recklessly endangering another
person.
163.197 Hazing.
163.200 Criminal mistreatment in the
second degree. 163.208 Assaulting a public safety officer.
163.211 Definitions
163.212 Unlawful use of an electrical
stun gun, tear gas, or mace in
the second degree.

2. Sexual Offenses.

ORS Number Title

163.305 Definitions.
163.315 Incapacity to consent.
163.325 Ignorance or mistake as a defense.
163.415 Sexual abuse in the second degree.
163.435 Contributing to the sexual delinquency of a minor. 163.445 Sexual
misconduct 163.465 Public indecency.

3. Offense Against Family.

<u>ORS Number</u>	<u>Title</u>
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163.545	Child neglect in second degree.
163.577	Failing to supervise a child visual recording of sexual con duct by children.
163.575	Endangering the welfare of a minor.
163.580	Posting of signs concerning sale smoking devices.
163.665	Definitions.
163.670	Using child in display of sexual explicit conduct.
163.684	Encourage child sexual abuse in the first degree.
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163.690	Lack of knowledge of age of child as affirmative defense.
163.693	Failure to report child pornography.
163.730	Definition. 163.732(1)(2)(A) Stalking.
163.750(1)(2)(a)	Violating court's stalking protective order.
163.753	Immunity of officer acting in good faith.

D. Offenses Against Family. 1. Definitions.

<u>ORS Number</u>	<u>Title</u>
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164.005	Definitions.
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2. Theft and Related Offenses.

<u>ORS Number</u>	<u>Title</u>
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164.015	"Theft" described.
164.025	Consolidation of theft offenses; pleading and proof.
164.035	Defenses to theft.
164.043	Theft in the third degree.
164.045	Theft in the second degree.
164.065	Theft of lost, mislaid property.
164.085	Theft by deception.
164.095	Theft by receiving.
164.105	Right of possession.
164.115	Value of stolen property.
164.125(1)...	Theft of services. (4) (a) and (b) and (5) (a) (b)
164.130	Application of ORS 164.125 to telephone or telegraph services; jurisdiction.
164.132	Unlawful distribution of cable

television equipment. 164.140(1)... Criminal possession of rented or (4)(1) leased personal property.

3. Burglary and Criminal Trespass.

<u>ORS Number</u>	<u>Title</u>
164.205	Definition
164.235	Possession of burglar's tools.
164.243	Criminal trespass in the second degree by a guest.
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164.245	Criminal trespass in the second degree.
164.255	Criminal trespass in the first degree.
164.265	Criminal trespass while in possession of firearm.
164.270	Closure of premises to motor propelled vehicles.
164.272	Unlawful entry into a motor vehicle.

4. Arson and Related Offenses.

<u>ORS Number</u>	<u>Title</u>
164.335	Reckless burning.

5. Criminal Mischief and Related Offenses.

<u>ORS Number</u>	<u>Title</u>
164.345	Criminal mischief in the third degree.
164.354	Criminal mischief in the second degree.
164.369	Interfering with police animal.
164.373	Tampering with cable television.
164.377	Computer crime
(1)(2)(3)(4)(5)(a).	

6. Graffiti-Related Offenses.

<u>ORS Number</u>	<u>Title</u>
164.381	Definitions.
164.383	Unlawful applying graffiti.
164.386	Unlawful possessing graffiti implement.
164.388	Preemption.

7. Littering.

ORS Number Title

- 164.775 Deposit of trash within 100 yards of waters or in waters, license suspensions; civil penalties; credit for work in lieu of fines.
164.785 Placing offensive substances in water, on highways or other property.
164.805 Offensive littering.

8. Unlawful Transport.

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- 164.813 Unlawful cutting and transporting of special forest products. 164.814 State Forester required to develop forms for special forest products.
164.815 Unlawful transport of hay.
164.825 Cutting and transport of coniferous trees without permit or bill of sale.
164.828 Ownership of affirmative offense.
164.835 Investigation.
164.845 Arrest, summons for cutting or transport of trees or special forest products.
164.855 Seizure of trees or special forest products cut or transported. 164.863 Unlawful transport of meat animal carcasses.

9. Miscellaneous.

ORS Number Title

- 164.864 Definitions.
164.865 Unlawful sound recording.
164.866 Civil actions for injuries caused by criminal acts.
164.873(2)(a) ...
(b) (c) Exemptions.
164.875 Unlawful videotape recording.

E. Offenses Involving Fraud and Deception. 1. Forgery and Related Offenses.

ORS Number Title

- 165.002 Definitions.
165.007 Forgery in the second degree.
165.017 Criminal possession of a forged instrument in the second degree. 165.027 Evidence admissible to prove forgery or possession of forged instrument.

165.037 Criminal simulation.
165.042 Fraudulently obtaining a signature.
165.047 Unlawfully using slugs.
165.055(1)... Fraudulent use of a credit card.
(3) (a)
165.065(1)... Negotiating a bad check. (3) (a)
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2. Business and Commercial Offenses.

ORS Number Title

165.075 Definitions.
165.080 Falsifying business records.
165.095 Misapplication of entrusted property.
165.100 Issuing a false financial statement.
165.102 Obtaining execution of documents
by deception.
165.107 Failing to maintain a metal purchase record.
165.109 Failing to maintain a cedar purchase record.
165.114 Sale of educational assignments
prohibited.

3. Crimes Involving Communications.

ORS Number Title

165.535 Definitions.
165.540 Obtaining contents of communications.
165.543 Interception of communications.
165.545 Prohibitions not applicable to
fire or police activities. 165.555 Unlawful telephone solicitation
of contributions of charitable
purposes.
165.560 Application.
165.565 Optional local ordinances, certain existing local ordinance
preserved.
165.570 Improper Use of 9-1-1.

4. Cellular Telephones.

ORS Number Title

165.575 Definitions.
165.577 Cellular counterfeiting in the
third degree.
165.583 Exemptions.

5. Miscellaneous.

ORS Number Title

165.805 Misrepresentation of age by a minor.
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F. Offenses Against Public Order; Firearms and Related Weapons;
Racketeering.

1. Treason, Riot, Disorderly Conduct and Related Offense.

ORS Number Title

166.025 Disorderly conduct.

166.065 Harassment.

166.075 Abuse of venerated objects.

166.076 Abuse of memorial to the dead.

166.090 Telephonic harassment.

166.095 Misconduct with emergency telephone calls.

166.115 Interfering with public transportation.

2. Intimidation.

ORS Number Title

166.155 Intimidation in the second degree.

3. Possession and Use of Weapons.

ORS Number Title

166.190 Pointing a firearm at another.

166.210 Definitions.

166.240 Carrying concealed weapons.

166.250 Unlawful possession of firearms.

166.260 Person not affected by ORS

166.250.

166.280 Seizure of concealed weapons;
destruction; exception; sale by
auction.

166.330 Use of firearms with other than

incombustible gun wadding. 166.350 Unlawful possession of armor
piercing ammunition.

4. Possession of Destructive Device or Firearm in Public Building.

ORS Number Title

166.360 Definitions.

5. Discharging Weapons.

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ORS Number Title

166.630(1)(2)(4) Discharging weapon on or across highway, ocean shore

recreation area or public utility facility.

166.635 Discharging weapon or throwing objects at trains.

166.638 Discharging weapon across airport operations surfaces.

6. Miscellaneous.

ORS Number Title

166.645 Hunting in cemeteries prohibited.

166.649 Throwing an object off an over
pass in the second degree.

166.663 Casting artificial light from
vehicle while possessing certain
weapons prohibited.

G. Offenses Against Public Health, Decency and Animals.

1. Prostitution and Related Offenses.

ORS Number Title

167.002 Definitions.

167.007 Prostitution.

2. Obscenity and Related Offenses.

ORS Number Title

167.060 Definitions.

167.062(1)(2)(5) Sadoomasochistic abuse or sexual
conduct in live show.

167.065 Furnishing obscene material to
minors.

167.070 Sending obscene materials to minor.

167.080 Displaying obscene material to minors.

167.085 Defenses in prosecution under ORS
167.057 to 167.080.

167.087 Disseminating obscene material.

167.089 Exemption from prosecution under
ORS 167.087.

167.090 Publicly displaying nudity or sex
for advertising purposes.

167.095 Defense in prosecutions under ORS
167.090.

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3. Gambling Offenses.

ORS Number Title

167.177 Definitions.

167.122 Promoting gambling in the second
degree.

- 167.132 Possession of gambling records in the second degree.
- 167.142 Defense to possession of gambling records.
- 167.147 Possession of a gambling device; defense.

4. Offenses Involving Controlled Substances.

ORS Number Title

- 167.203 Definitions.
- 167.222 Frequenting a place where controlled substances are used.
- 167.238 Prima facie evidence permitted in prosecutions of drug offenses.
- 167.242 Exemption from application of drug laws as defense in prosecution.
- 167.252 Acquittal or conviction under federal law as precluding state prosecution.
- 167.262(2)(b) Adult using minor in commission of controlled substance offense.

5. Offenses Against Animals.

ORS Number Title

- 167.310 Definitions ORS 167.310 to 167.340.
- 167.315 Animal abuse in the second degree.
- 167.320 Animal abuse in the first degree.
- 167.325 Animal neglect in the second degree.
- 167.330 Animal neglect in the first degree.
- 167.335 Exemption for livestock, rodeo animals and commercially grown poultry.
- 167.340 Animal abandonment.
- 167.345 Authority to enter premises; search warrant; notice of impoundment of animal. 109(Scappoose 10/96)
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- 167.350 Forfeiture of rights in mistreated animal; costs; disposition of animal.
- 167.352 Interfering with assistance, search and rescue or therapy animal.
- 167.355 Involvement in animal fighting.
- 167.360 Definitions for ORS 167.360 to 167.380.

167.370 Participation in dog fighting.
167.385 Unauthorized use of livestock
animals.

6. Offenses Involving Tobacco.

<u>ORS Number</u>	<u>Title</u>
167.400	Tobacco possession by minor prohibited.
167.402	Locating tobacco vending machines where minors have access prohibited.

7. Miscellaneous.

<u>ORS Number</u>	<u>Title</u>
167.810	Creating a hazard.
167.820	Concealing the birth of an infant.
167.830	Employment of minors in place of public entertainment.
167.840	Application of ORS 167.830 limit ed.
167.870	Exhibiting person in trance.

H. Controlled Substances; Experimental Drugs, Illegal Drug Cleanup; Paraphernalia; Precursors.

1. Alcoholic Liquors.

<u>ORS Number</u>	<u>Title</u>
471.130	Requiring statement of age or identification card from certain purchasers.
471.135	False statement of age; statement of age as defense. (Scappoose 10/96) 110
471.405	
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	Prohibited sales, purchases, possession, transportation, importation or solicitation in general; forfeiture upon conviction.
471.410	Providing liquor to person under 21 or to intoxicated persons; allowing consumption on property.
471.412	Allowing visibly intoxicated to consume alcohol beverages; good faith effort; effect on other liability; letters of reprimand.
471.430	Purchase or possession of liquor by person under 21; entry of licensed premises by person under 20; community service and suspension of driving privileges.
471.990	Penalties.

2. Uniform Controlled Substances Act.

ORS Number Title
475.005 Definitions.

3. Enforcement.

ORS Number Title
475.245 Conditional discharge for possession as first offense. 475.255
 Status of penalties.
475.265 When prosecution barred.

4. Interpretation; Title.

ORS Number Title
475.275 Uniformity of interpretation.
475.285 Short title.

5. Drug Paraphernalia.

ORS Number Title
475.525 Sale of drug paraphernalia prohibited; definition of drug para-
 phernalia; exceptions.
475.535 Action to enforce ORS 475.525 to
475.565.
474.545 Order of forfeiture of paraphernalia; effect.
475.555 Seizure of drug paraphernalia.
475.565 Civil penalty for violation of
 ORS 475.525 to 475.565.
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6. Hypodermic Devices.

ORS Number Title
475.805 Providing hypodermic device to minor prohibited; exception.

7. Precursor Substances.

ORS Number Title
475.940 Precursor substances described; certain compounds containing
 ephedrine exempted.

8. Penalties.

ORS Number Title
475.950 Penalty for failure to report
 precursor substance.
475.955 Penalty for failure to report
 missing precursor substances. 475.960 Penalty for illegally selling
 drug equipment.

475.965 Penalty for providing false in
formation on precursor substances
report.

475.991 Penalty for unlawful delivery of
imitation controlled substance. 475.992(1) (d) (e) Prohibited acts generally;
(2) (b) (3) (d) (e) penalties.

(4) (c) (d) (e) (f)

475.993(1) (2)(b) Prohibited acts for registrants; (c) (d) penalties.

475.994 Prohibited acts involving records
and fraud; penalties. 475.995(3)(4) Penalties for distribution to
minors.

475.999 Penalty for manufacture or delivery of controlled substance within 1000
feet of school.

(Ord. 639 §§1, 2, 1996; Ord. 626 §§1--3, 1994; Ord. 608, 1993; Ord. 570 §2,
1991)

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