Chapter 162

1955 REPLACEMENT PART

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TREASON

162.010 "Treason" defined. The following acts constitute the crime of treason against this state:

(1) Levying war against this state within its boundaries.

(2) A combination of two or more persons, by force, to usurp or overturn the government of this state, evidenced by a forcible attempt made within this state to accomplish such purpose.

(3) Adhering to the enemies of this state while it is separately engaged in a war with a foreign enemy, in the cases prescribed in the Constitution of the United States, and giving to such enemies aid and comfort in this state or elsewhere.

162.020 What constitutes levying war against state. To constitute levying war against this state, an actual act of war must be committed. To merely conspire to levy war does not constitute levying war. Where persons rise in insurrection with intent to prevent in general, by force and intimidation, the execution of a statute of this state, or to force its repeal, they are guilty of levying war. However, an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance and for a private purpose is not levying war.

162.030 Punishment of treason. The penalty for treason is death, except when the trial jury in its verdict recommends life imprisonment, in which case the penalty shall be life imprisonment.

162.040 Proof of treason. Treason shall be proved by the testimony of two witnesses to the same overt act.

162.050 to 162.100 [Reserved for expansion]

PERJURY

162.110 "Perjury" defined; procuring another to commit perjury. (1) Any person authorized by any law of this state to take an oath or affirmation, or of whom an oath or affirmation is required by law, who wilfully swears or affirms falsely in regard to any material matter or thing concerning which such oath or affirmation is authorized or required, is guilty of perjury.

(2) Any person who procures another to commit the crime of perjury is guilty of subornation of perjury.

162.120 Penalty for perjury. (1) Every person convicted of the crime of perjury committed on the trial of, or proceedings in, a criminal action for a crime punishable with death or imprisonment for life, shall be punished by imprisonment in the penitentiary for not more than 20 years.

(2) Every person convicted of the crime of perjury committed in any proceeding in a court of justice other than criminal actions described in subsection (1) of this section shall be punished by imprisonment in the penitentiary for not more than 10 years.

(3) Every person convicted of the crime of perjury committed otherwise than in a proceeding before a court of justice, or convicted of the crime of subornation of perjury, however committed, shall be punished by imprisonment in the penitentiary for not more than five years.

162.130 Penalty for attempting to procure another to commit perjury. Any person who endeavors to procure or incite another to commit the crime of perjury, though no perjury is committed, shall be punished upon conviction by imprisonment in the penitentiary for not more than three years.

162.140 False swearing; procuring another to commit false swearing; penalty. (1) Any person authorized by any law of this state to take an oath or affirmation, or of whom an oath or affirmation is required by law, who wilfully swears or affirms falsely in regard to any matter or thing concerning which the oath or affirmation is authorized or required, whether or not the matter or thing is material, is guilty of false swearing.

(2) Any person who procures another to commit the crime of false swearing is guilty of subornation of false swearing.

(3) Violation of this section is punishable upon conviction by imprisonment in the county jail for a term not exceeding two years, or by a fine of not more than $5,000, or both.

162.150 Evidence used against person giving it on prosecution for perjury. Any section in the criminal and criminal procedure statutes which declares that evidence obtained upon the examination of a person as a witness shall not be received against him in a criminal proceeding does not forbid such evidence being proved against the person upon any proceedings founded upon a charge of perjury committed by the person in such examination.

162.160 Proof of perjury. Perjury shall be proved by the testimony of two witnesses, or one witness and corroborating circumstances.

162.170 to 162.200 [Reserved for expansion]

BRIBERY

162.210 Judicial, legislative and executive officers defined. As used in ORS 162.220 and 162.230:

(1) "Judicial officer" includes:

(a) Every person authorized to act as a judge in a court of justice, including a commissioner of the county court, from the time of his election or appointment.

(b) Every person summoned as a juror in any court of justice, upon any inquest, or before any officer, from the time he is summoned.

(c) Every referee, umpire or arbitrator, from the time of his appointment.

(2) "Legislative officer" includes every member of either house of the Legislative Assembly, and every member of any common council, board of aldermen, trustees or other municipal, legislative or deliberative body, from the time of his election or appointment.

(3) "Executive officer" includes every officer of this state, or of any county, town or other municipal or public corporation therein, not included in the definition of judicial and legislative officers in subsections (1) and (2) of this section, from the time of his election or appointment.

162.220 Influencing public official by bribe or intimidation. Any person who corruptly gives, offers, or promises to give any gift, gratuity, valuable consideration or thing whatever, or who corruptly promises to do or cause to be done any act beneficial to any judicial, legislative or executive officer, or who intimidates or attempts to intimidate or threatens any injury to the person or property of any judicial, legislative or executive officer with intent to influence the vote, opinion, decision, judgment or other official conduct of the officer in any matter, question, duty, cause or proceeding, which then is or by law may come or be brought before the officer, or with intent to influence the officer to act in his official capacity in a particular manner so as to produce or prevent any particular result, shall be punished upon conviction by imprisonment in the penitentiary for not more than 10 years, or by imprisonment in the county jail not less than one month nor more than one year, or by a fine of not less than $100 nor more than $1,000.

162.230 Acceptance by officer of gratuity pursuant to agreement as to official conduct. Any judicial, legislative or executive officer who corruptly accepts or receives any gift, gratuity, valuable consideration, or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to him, with the understanding or agreement, express or implied, that he will give his vote, opinion, decision or judgment in a particular manner in any matter, question, duty, cause or proceeding which then is or may by law come or be brought before him, or with the understanding or agreement that he will in his official capacity act in a particular manner or so as to produce or prevent any particular result, shall be punished upon conviction by imprisonment in the penitentiary for not more than 15 years.

162.240 Acceptance of consideration by public official for services rendered to person dealing with public body. (1) No officer, deputy, agent or employe, in any state, county or municipal office or as a member, agent or employe of any state board or commission, school district, or municipal subdivision of the state, county or city, shall directly or indirectly charge, take, demand, accept or receive any fee, commission, compensation, gift, reward or other consideration for services rendered or promised in connection with the purchase or sale of any bonds, warrants, supplies, material, thing or article or in connection with any contracts or awards of this state, or any county, municipality or district thereof, or from any person contracting or dealing with this state, or with any county, municipality, district or agency thereof.

(2) Any person violating this section is guilty of malfeasance in office and shall be punished upon conviction by a fine of not more than $5,000, or by imprisonment for not more than one year in the county jail or penitentiary, or both; or by dismissal from office, with or without either or any of such punishments.

162.250 to 162.300 [Reserved for expansion]

INTERFERENCE WITH PUNISHMENT OF CRIMINALS

162.310 Compounding or concealing crime for gratuity or consideration. Any person having knowledge of the commission of a crime who accepts or receives any gift, gratuity, valuable consideration, or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to him, with the understanding or agreement, express or implied, to compound or conceal the crime, or not to prosecute for the crime, or give evidence thereof, shall, upon conviction, be punished as follows:

(1) If the crime is punishable with death or imprisonment for life, by imprisonment in the penitentiary for not more than five years.

(2) If the crime is not punishable with death or life imprisonment, by imprisonment in the county jail for not less than three months nor more than one year, or by fine not less than $50 nor more than $500.

162.320 Effect of failure to prosecute criminal on person concealing crime. A person may be indicted for having, with the knowledge of the commission of a crime, taken money or property of another, or a gratuity or a reward, or an engagement or promise therefor, upon an agreement or understanding, express or implied, to compound or conceal the crime, or to abstain from a prosecution for the crime, or to withhold any evidence thereof, though the person guilty of the original crime has not been indicted or tried.

162.330 Aiding imprisoned or committed person to escape. Any person who conveys into or about the yard or grounds of any penitentiary, jail, house of correction, or other place used for the confinement of persons upon any warrant, order or other legal process, any disguise, material, instrument, tool, weapon or other thing adapted to or useful in aiding any person or prisoner there committed or detained, with intent to effect or facilitate the escape of such person or prisoner, or by any means whatever aids or assists any such person or prisoner with an intent to escape, whether the escape is effected or attempted or not, shall be punished upon conviction as follows:

(1) If the person whose escape was intended or effected was committed or detained upon a charge or conviction of a crime punishable with death or imprisonment for life, the punishment shall be imprisonment in the penitentiary for not more than 20 years.

(2) If the person whose escape was intended or effected was committed or detained upon a charge or conviction of a crime not punishable with death or imprisonment for life, the punishment shall be the same as that provided by law for the crime with which such person was charged or convicted.

(3) If the person whose escape was intended or effected was in custody or confinement upon civil process, or otherwise than upon a charge or conviction of crime, the punishment shall be imprisonment in the county jail for not less than three months nor more than one year, or a fine of not less than $100 nor more than $500.

162.340 Escape or aiding escape from state institutions. (1) Every person confined in the penitentiary or in the correctional institution or in lawful custody going to or from the penitentiary or correctional institution who breaks the prison or custody, or who escapes or attempts to escape from the prison or custody, or who aids or assists any person to escape or attempt to escape therefrom, shall be punished upon conviction by imprisonment in the penitentiary for a term of not more than 10 years.

(2) Every person who aids or assists any inmate of the MacLaren School for Boys, the Hillcrest School of Oregon, the Oregon State Hospital, the Eastern Oregon State Hospital, or the Oregon Fairview Home, or any person in lawful custody going to or from any of these institutions, to escape or attempt to escape, shall be punished upon conviction by a fine of not more than $1,000 or by imprisonment in the county jail for a term of not more than one year, or both.

(3) Every person sentenced to serve a term in the penitentiary or in the correctional institution who escapes or attempts to escape therefrom, or from the custody of the officers of such institution or from the lawful custody of any officer, without being guilty of the crime described in subsection (1) of this section, shall be punished upon conviction by confinement in the penitentiary for a period not to exceed three years. [Amended by 1955 c.660 §21]

162.350 Escape of person under arrest. (1) Any person who, being committed to and

confined in any jail or place of confinement pursuant to lawful arrest, or being in the custody of a peace officer of this state, or any county, city or town thereof, or of his bail bondsman, pursuant to lawful arrest, escapes or attempts to escape from such confinement or from the custody of the peace officer or bail bondsman, shall be punished upon conviction by imprisonment in the county jail for a term not more than one year or by a fine of not more than $500, or both.

(2) Any person who, having been sentenced to confinement in the penitentiary or the correctional institution and previous to his delivery to the penitentiary or the correctional institution, commits any of the acts set forth in subsection (1) of this section, shall be punished upon conviction by imprisonment in the state penitentiary for not more than one year. [Amended by 1955 c.660 §22]

162.360 Aiding in prisoner's escape or attempt to escape from officer. Any person who rescues, or attempts to rescue, any prisoner from any officer or person having lawful custody of the prisoner, or aids or assists any prisoner in escaping or attempting to escape from any officer or person having lawful custody of the prisoner, shall be punished upon conviction by imprisonment in the penitentiary for not more than 10 years, or by imprisonment in the county jail for not less than three months nor more than one year.

162.370 Escape or aiding another to escape from county jail; assaulting jailer. Any person confined in any county jail of this state or in the custody of any jailer or person in charge of such jail, who breaks such jail or custody, or who escapes or attempts to escape therefrom, or who aids or assists any other person so confined to escape or attempt to escape therefrom, or who assaults or attempts to assault any jailer or other person having the custody of such person, shall be punished by imprisonment in the county jail for not more than one year.

162.380 Assault with deadly weapon by person imprisoned in or sentenced to penitentiary or correctional institution. Any person imprisoned in the penitentiary or the correctional institution who, with a deadly weapon, strikes, wounds, stabs, cuts or shoots at any superintendent, keeper or assistant keeper of the penitentiary or correctional institution, or other officer or person having the charge or custody of the person so imprisoned, or any person sentenced to the penitentiary or correctional institution who, with a deadly weapon, strikes, wounds, stabs, cuts or shoots at any sheriff, deputy sheriff, or his assistants having the charge or custody of the person so sentenced, shall be punished upon conviction by imprisonment in the penitentiary for not more than 20 years. [Amended by 1953 c.531 §2; 1955 c.660 §23]

162.390 Assaulting officer while aiding escape of person imprisoned in or sentenced to penitentiary or correctional institution. Any person who, with intent to effect or aid the escape of a person imprisoned in the penitentiary or the correctional institution or sentenced to such imprisonment, assaults any officer or person having the charge or custody of the person so imprisoned or sentenced, shall be punished upon conviction by imprisonment in the penitentiary for not more than 15 years. [Amended by 1955 c.660 §24]

162.400 Assault with deadly weapon by person imprisoned in or sentenced to county jail. Any person imprisoned or sentenced to imprisonment in a county jail or any building, prison, or place used as or in lieu of a county jail, who, with a deadly weapon, strikes, wounds, stabs, cuts or shoots at any sheriff, deputy sheriff, jailer, or his assistants having the charge or custody of the person so imprisoned or sentenced, shall be punished upon conviction by imprisonment in the penitentiary for not more than 20 years.

162.410 Assaulting officer while aiding escape of person imprisoned in or sentenced to county jail. Any person who, with intent to effect or aid the escape of a person imprisoned or sentenced to imprisonment as mentioned in ORS 162.400, assaults any sheriff, deputy sheriff, jailer, or his assistant having the charge or custody of the person so imprisoned or sentenced, shall be punished upon conviction by imprisonment in the penitentiary for not more than 10 years.

162.420 Punishment of officer who aids in an escape. Any sheriff, jailer, or other officer who voluntarily suffers any person or prisoner committed to or in his custody

to escape is guilty of aiding and assisting in the escape and shall be punished upon conviction in the manner provided in ORS 162.330.

162.430 Punishment of officer whose negligence causes escape; refusal to take custody. Any sheriff, jailer or other officer who through negligence suffers any person or prisoner committed to or in his custody to escape, or who wilfully refuses to receive into his custody any person or prisoner lawfully committed thereto, shall be punished upon conviction by imprisonment in the county jail for not less than six months nor more than one year, or by a fine of not less than $200 nor more than $1,000.

162.440 Punishment of officer who fails to execute process. Any officer authorized to serve process who wilfully and wrongfully refuses, omits or delays to execute any lawful process directed and delivered to him and requiring him to arrest or confine any person, whereby such person escapes and goes at large, shall be punished upon conviction by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than $50 nor more than $500.

162.450 to 162.500 [Reserved for expansion]

CRIMES INVOLVING PUBLIC OFFICES AND OFFICERS

162.510 Unlawful act or omission by public officer. Any officer of this state, or of any county, town, or other municipal or public corporation therein, other than the Governor, judges of the Supreme Court or members of the Legislative Assembly, who wilfully and knowingly charges, takes or receives any fee or compensation other than that authorized or permitted by law, for any official service or duty performed by such officer, or who wilfully neglects or refuses to perform any duty or service pertaining to his office, with intent to injure or defraud anyone, to the injury of anyone, or the manifest hindrance or obstruction of public justice or business, whether such injury, hindrance, or obstruction was particularly intended or not, shall be punished upon conviction by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not less than three months nor more than one year, or by fine of not less than $50 nor more than $500, or by dismissal from office with or without either or any of such punishments.

162.520 Lobbying without disclosing interest to legislators. Any person having any interest in the passage or defeat of any measure before, or which shall come before, either house of the Legislative Assembly of this state, or any agent of such person, who converses with, explains to, or in any manner attempts to influence any member of the assembly in relation to such measure without first truly and completely disclosing to the member his interest therein, or that of his principal and his own agency therein, shall be punished upon conviction by imprisonment in the county jail for not less than three months nor more than one year, or by fine of not less than $50 nor more than $500.

162.530 Punishment of person refusing to assist officer. (1) Any person who wilfully refuses to assist an officer in the lawful discharge of any duty pertaining to his office when requested to do so by the officer, shall be punished upon conviction by imprisonment in the county jail for not less than 10 days nor more than 30 days, or by fine of not less than $10 or more than $500, or both.

(2) Any person who is required by any peace officer or magistrate to assist him in the execution of his office, in the preservation of the peace, the arrest of any person for a breach of the peace or the service of any process, and who neglects or refuses to render such assistance, shall be punished upon conviction by imprisonment in the county jail for not less than one month nor more than six months, or by fine of not less than $25 nor more than $500.

162.540 Assuming to be magistrate or peace officer and requiring assistance. Any person who falsely assumes to be a magistrate or peace officer, and takes it upon himself to act as such by requiring a person to aid or assist him in any matter pertaining to the duty thereof, shall be punished upon conviction by imprisonment in the county jail for not less than three months nor more than one year, or by fine of not less than $50 nor more than $500.

162.550 Disguising oneself with intent to obstruct execution of law or hinder officer. Any person who in any manner dis-

guises himself with intent to obstruct or hinder the due execution of the law, or with intent to intimidate, hinder, or interrupt any officer or other person in the legal performance of his duty or the exercise of any right under the law, whether such intent is effected or not, shall be punished upon conviction by imprisonment in the county jail for not less than three months nor more than one year, or by fine of not less than $50 nor more than $500.

162.560 Maintenance of a privately operated police force. (1) No person or his agents, members or officers shall organize, maintain, or employ an armed body of men in this state for the purpose of assuming, discharging or attempting to discharge in any city in this state any of the duties or occupations properly belonging to the city's duly organized police patrol.

(2) No person or his members, agents or officers shall establish or maintain in any city of this state any armed or uniformed patrol system not under the direct control and appointed by the proper municipal departments, as provided in the city's charter.

(3) Violation of this section is punishable upon conviction by a fine of not less than $1,000 nor more than $5,000, and a like sum for each day violation of this section is continued by the violator after having been once fined. In addition the violator, if an individual, may be imprisoned in the county jail not to exceed one year.

(4) The fine shall be paid into the general fund of the county in which the offense was committed. All arms, uniforms, accoutrements and other property of a military or police character in the possession of each violator or armed body of men, shall be seized by the officer making the arrest for violation of this section and shall be forfeited to the State of Oregon.

162.570 Wearing of stars and badges; when officer shall surrender. All persons deputized on or after June 12, 1935, as special deputy sheriffs, special police or other special peace officers shall cease to act as such officer and shall surrender to the appointing officers his star or badge of authority upon 10 days' written request or at the expiration of the term of the appointing power. Thereafter such person shall not assume to act as such officer or wear or have in his possession a star or other badge of authority unless he has been reappointed as such special officer.

162.580 Sale of badges without permit prohibited. No person shall sell or offer for sale any star or other insignia employed as a badge of authority to act as a peace officer unless a written permit to sell the badge has been first obtained from the sheriff of the county in which the badge is to be offered for sale, or from the chief of police of any incorporated city or town in which the badge is to be offered for sale. The permit shall state the name of the person to whom the badge is to be sold and the date of the permit. A copy of the permit shall be kept in the issuing officer's office and shall be always open to inspection by any prosecuting or peace officer.

162.590 Seizure and destruction of badges not lawfully possessed. Any star or badge of authority of a peace officer found in the unlawful possession of any person, firm or corporation may be immediately seized by any peace officer and destroyed as contraband. No person shall resist an officer in the seizure of such star.

162.600 Penalty for violating ORS 162.570 to 162.590. Violation of ORS 162.570 to 162.590 is punishable upon conviction by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding $500, or both.

CRIMES INVOLVING PUBLIC RECORDS AND FUNDS

162.610 Records required by law to be in English. (1) With the exception of druggists' or physicians' prescriptions, all records, reports and proceedings required to be kept by law shall be written in the English language.

(2) Violation of this section is punishable upon conviction by a fine not to exceed $50, or imprisonment in the county jail not to exceed one month, or both.

162.620 Destruction of public records. Any person having the legal custody of any public record, book, paper or writing, who wilfully destroys, secretes or mutilates the same, or any attorney who wilfully destroys, secretes or mutilates any public record, book, paper or writing, or who wrongfully takes the same from the person having the legal custody thereof, or having obtained the possession of such record, book, paper or writing lawfully, wrongfully refuses or neglects to return or produce the same when lawfully

required or demanded so to do, shall be punished upon conviction by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not less than three months nor more than one year, or by fine of not less than $100 nor more than $500.

162.630 Nonpayment of public or trust funds to treasurer as felony; disposal by treasurer of money in custody of law. (1) All public officers, excepting clerks of school districts, having and holding in their possession or custody public funds or money in trust for any person by virtue of their office, or holding money in custodia legis, shall, as soon as practicable pay the same to the county treasurer if held by a county officer, or to the State Treasurer if held by a state officer.

(2) Failure to comply with this section is a felony punishable upon conviction by a fine of not less than $100 nor more than $50,000, or to imprisonment in the county jail for not less than 30 days nor more than one year, or by imprisonment in the penitentiary for not more than 20 years.

(3) All money so paid to the county treasurer or to the State Treasurer shall be paid out by such official in accordance with the order of the court if the money is held in custodia legis, or to the persons to whom the money properly belongs, if otherwise held.

162.640 Penalty when official makes profit out of public funds. No county treasurer or public officer in this state shall make a profit by loaning or otherwise using any money in his hands, or in the hands of any public officer in this state, with the custody of which he is charged. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary for a term of not more than 20 years, or a fine of not less than $1,000 and not more than $50,000, or both. The public officer is liable on his official bond for all profits realized from such unlawful use of the funds. Any person convicted under this section shall be forever barred from holding any office of this state, or the counties or municipalities thereof.

162.650 Unlawful use of funds by State Treasurer. The State Treasurer shall not make a profit out of any money in the State Treasury, belonging to the state, and the custody of which he is charged with, by loaning or otherwise using it, nor shall the State Treasurer or any other person by the treasurer's consent, remove all or part of such moneys out of the vault or safe of the treasurer's department, or out of any legal depository of such moneys, except for the payment of sums authorized by law to be paid, or for the purpose of deposit in banks which are qualified as depositories under ORS 295.030. Violation of this section is a felony punishable upon conviction by subjecting the treasurer to imprisonment in the penitentiary for a term not exceeding two years or a fine not exceeding $5,000, or both. The treasurer shall be liable upon his official bond for all profits realized from such unlawful use of the funds.

162.655 Attempting to induce State Treasurer to deposit funds unlawfully. No bank or depository, or officer or stockholder thereof, or any other person or persons in its or their behalf, or by its or their knowledge, acquiescence or authority, or in its or their interest shall directly or indirectly offer or give to the State Treasurer, any gift, compensation, reward or inducement with the intent or for the purpose of inducing said treasurer to deposit funds of the state in any bank, contrary to any law of this state. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary for a period not exceeding two years or by a fine not exceeding $5,000, or both.

162.660 Multnomah County treasurer making profit from county funds. The county treasurer of Multnomah County shall not make a profit out of any money in the county treasury belonging to the county, and the custody of which he is charged with, by loaning or otherwise using it, nor shall the county treasurer or any other person by the treasurer's consent, remove all or part of such moneys out of the vault or safe of the treasurer's department, or out of any legal depository of such moneys, except for the payment of such sums authorized by law to be paid, or for the purpose of deposit in banks which have qualified as depositories. Violation of this section is a felony punishable upon conviction by subjecting the treasurer to imprisonment in the penitentiary for a term not exceeding two years or a fine not exceeding $5,000, or both. The Multnomah County treasurer shall be liable on his of-

ficial bond for all profits realized from such unlawful use of such funds.

162.670 Inducing deposit by offering or giving reward to Multnomah County treasurer. No bank or depository or any officer or stockholder thereof, or any person or persons in its or their behalf or by its or their knowledge, acquiescence or authority, or in its interest, shall give to the Multnomah County treasurer any gift, compensation, reward or inducement with the intent or for the purpose of inducing said treasurer to deposit funds of the county in any bank, contrary to any law of this state. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary for a period not exceeding two years or by a fine not exceeding $5,000, or both.

162.680 Making profit out of money in hands of port commissioners. No port commissioner or public officer in this state shall directly or indirectly make a profit by loaning or otherwise using any money in the hands of said port commissioners. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary for not more than 20 years, or by a fine of not less than $1,000 and not more than $50,000, or both. The public officer shall be liable on his official bond for all profits realized from such unlawful use of such funds, and any person so convicted is forever barred from holding any office of this state or the counties or municipalities thereof.

162.690 Making profit from funds in hands of school clerk. No school clerk, school director, or any public officer in this state shall make a profit out of any money in the hands of said school clerk, by loaning, or otherwise using it. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary for a term of not more than 20 years, or by a fine of not less than $1,000 and not more than $50,000, or both. The public officer is liable on his official bond for all profits realized from such unlawful use of such funds, and any person so convicted is forever barred from holding any office of this state or the counties or municipalities thereof.

162.700 [Reserved for expansion]

ACTS AGAINST THE UNITED STATES

162.710 Meaning of "flag." As used in ORS 162.710 to 162.730, the words "flag of the United States" shall include any flag, standard, color, ensign, or any representation or picture of either thereof, made of or represented on any substance whatever, and of any size whatever, evidently purporting to be a flag, standard, color or ensign of the United States, or a picture, or a representation of either thereof, upon which is shown in any number the colors, the stars and the stripes, or by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard, or the ensign of the United States of America.

162.720 Punishment for desecration of United States flag. Any person who performs any of the following acts is subject upon conviction to a fine of not less than $20 nor more than $100:

(1) For exhibition or display, places or causes to be placed any words, figures, numbers, marks, inscriptions, picture, design, device, symbol, token, notice, drawing or any advertisement of any nature upon any flag of the United States.

(2) Exposes or causes to be exposed to public view, any flag of the United States, upon which is printed, painted or otherwise placed, or to which is attached, appended, affixed or annexed any words, figures, numbers, marks, inscriptions, pictures, design, device, symbol, token, notice, drawing or any advertisement of any nature or kind.

(3) Exposes to public view, manufactures, sells, exposes for sale or has in possession for sale or use, any article, thing or substance, being an article for or receptacle of merchandise, upon which is printed, painted, attached or otherwise placed, a representation of any flag of the United States, to advertise, call attention to, decorate, ornament, mark or distinguish the article or thing, on which it is placed.

(4) Publicly mutilates, tramples upon, or publicly defaces, defies, defiles or by words or act casts contempt upon any flag of the United States.

162.730 Acts not considered desecration of United States flag. ORS 162.720 shall not apply to any act permitted by the statutes of the United States, or by the United States Army and Navy regulations or to the regular issue of a newspaper or other periodical on

which is printed a flag of the United States disconnected from any advertisement.

162.740 Display of red flag or other emblem as manifestation of disloyalty, belief in anarchy or defiance of law. No person shall carry or cause to be carried or publicly displayed, any red flag or other emblem or banner for the purpose of manifesting disloyalty to the Government of the United States or a belief in anarchy or other political doctrines or beliefs whose objects are either the disruption or destruction of organized government, or for the purpose of manifesting defiance of the laws of the United States or of this state. Violation of this section is a felony punishable upon conviction by imprisonment in the penitentiary not exceeding 10 years, or by a fine not exceeding $1,000, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on October 15, 1955.

Sam R Haley
Legislative Counsel