TITLE 14

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Chapter 131

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PRELIMINARY PROVISIONS

131.005 General definitions. As used in sections 1 to 311, chapter 836, Oregon Laws 1973, except as otherwise specifically provided or unless the context requires otherwise:

(1) "Accusatory instrument" means a grand jury indictment, an information or a complaint.

(2) "Bench warrant" means a process of a court in which a criminal action is pending, directing a peace officer to take into custody a defendant in the action who has previously appeared before the court upon the accusatory instrument by which the action was commenced, and to bring the defendant before the court. The function of a bench warrant is to achieve the court appearance of a defendant in a criminal action for some purpose other than the initial arraignment of the defendant in the action.

(3) "Complaint" means a written accusation, verified by the oath of a person and bearing an indorsement of acceptance by the district attorney having jurisdiction thereof, filed with a magistrate, and charging another person with the commission of an offense, other than an offense punishable as a felony. A complaint serves both to commence an action and as a basis for prosecution thereof.

(4) "Complainant's information" means a written accusation, verified by the oath of a person and bearing an indorsement of acceptance by the district attorney having jurisdiction thereof, filed with a magistrate, and charging another person with the commission of an offense punishable as a felony. A complainant's information serves to commence an action, but not as a basis for prosecution thereof.

(5) "Correctional facility" has the meaning provided for that term in ORS 162.135.

(6) "Criminal action" means an action at law by means of which a person is accused and tried for the commission of an offense.

(7) "Criminal proceeding" means any proceeding which constitutes a part of a criminal action or occurs in court in connection with a prospective, pending or completed criminal action.

(8) "District attorney," in addition to its ordinary meaning, includes a city attorney as prosecuting officer in the case of municipal ordinance offenses, a county counsel as prosecuting officer under a county charter in the case of county ordinance offenses, and the Attorney General in those criminal actions or proceedings within the jurisdiction of the Attorney General.

(9) "District attorney's information" means a written accusation by a district attorney and:

(a) If filed with a magistrate to charge a person with the commission of an offense, other than an offense punishable as a felony, serves both to commence an action and as a basis for prosecution thereof; or

(b) If filed with a magistrate to charge a person with the commission of an offense punishable as a felony, serves to commence an action, but not as a basis for prosecution thereof; or

(c) If, as is otherwise authorized by law, filed in circuit court to charge a person with the commission of an offense, serves as a basis for prosecution thereof.

(10) "Information" means a district attorney's information or a complainant's information.

(11) "Probable cause" means that there is a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it.

(12) "Trial court" means a court which by law has jurisdiction over an offense charged in an accusatory instrument and has authority to accept a plea thereto, or try, hear or otherwise dispose of a criminal action based on the accusatory instrument.

(13) "Ultimate trial jurisdiction" means the jurisdiction of a court over a criminal action or proceeding at the highest trial level.

(14) "Warrant of arrest" means a process of a court, directing a peace officer to arrest a defendant and to bring the defendant before the court for the purpose of arraignment upon an accusatory instrument filed therewith by which a criminal action against the defendant has been commenced. [1973 c.836 §1; 1983 c.760 §1]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "chapter 836, Oregon Laws 1973." Chapter 836, Oregon Laws 1973, enacted into law and amended ORS sections which may be found by referring to the Comparative Section Table located in volume 15 of Oregon Revised Statutes.

131.007 "Victim" defined for ORS 40.385 and ORS chapters 136, 137 and 144. As used in ORS 40.385 and in ORS chapters 136, 137 and 144, except as otherwise specifically provided or unless the context requires otherwise, "victim" means the person or persons who have suffered financial, social, psychological or physical harm as a result of a crime and includes, in the case of a homicide, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor. In

no event shall the criminal defendant be considered a victim. [1987 c.2 §17]

131.010 [Repealed by 1973 c.836 §358]

131.015 Application to prior and subsequent actions. (1) The provisions of chapter 836, Oregon Laws 1973, apply to:

(a) All criminal actions and proceedings commenced upon or after January 1, 1974, and all appeals and other post-judgment proceedings relating or attaching thereto; and

(b) All matters of criminal procedure prescribed in chapter 836, Oregon Laws 1973, which do not constitute a part of any particular action or case, occurring upon or after January 1, 1974.

(2) The provisions of chapter 836, Oregon Laws 1973, do not impair or render ineffectual any proceedings or procedural matters which occurred before January 1, 1974. [1973 c.836 §2]

Note: See note under 131.005.

131.020 [Repealed by 1973 c.836 §358]

131.025 Parties in criminal action. Except for offenses based on municipal or county ordinances, in a criminal action the State of Oregon is the plaintiff and the person prosecuted is the defendant. [1973 c.836 §3]

131.030 [Repealed by 1973 c.836 §358]

131.035 When departures, errors or mistakes in pleadings or proceedings are material. No departure from the form or mode prescribed by law, error or mistake in any criminal pleading, action or proceeding renders it invalid, unless it has prejudiced the defendant in respect to a substantial right. [1973 c.836 §4]

TIME LIMITATIONS

131.105 Timeliness of criminal actions. A criminal action must be commenced within the period of limitation prescribed in ORS 131.125 to 131.155. [1973 c.836 §5]

131.110 [Amended by 1971 c.743 §315a; repealed by 1973 c 836 §358]

131.120 [Repealed by 1973 c.836 §358]

131.125 Time limitations. (1) A prosecution for murder or manslaughter may be commenced at any time after the death of the person killed.

(2) A prosecution for any of the following felonies may be commenced within six years after the commission of the crime, if the victim, at the time of the crime, was under 18 years of age:

(a) Criminal mistreatment in the first degree under ORS 163.205.

(b) Rape in the third degree under ORS 163.355.

(c) Rape in the second degree under ORS 163.365.

(d) Rape in the first degree under ORS 163.375.

(e) Sodomy in the third degree under ORS 163.385.

(f) Sodomy in the second degree under ORS 163.395.

(g) Sodomy in the first degree under ORS 163.405.

(h) Sexual penetration with a foreign object in the second degree under ORS 163.408.

(i) Sexual penetration with a foreign object in the first degree under ORS 163.411.

(j) Sexual abuse in the first degree under ORS 163.425.

(k) Using a child in a display of sexual conduct under ORS 163.670.

(L) Dealing in depictions of a child's sexual conduct under ORS 163.673.

(m) Incest under ORS 163.525.

(n) Promoting prostitution under ORS 167.012.

(o) Compelling prostitution under ORS 167.017.

(3) A prosecution for any of the following misdemeanors may be commenced within four years after the commission of the crime, if the victim, at the time of the crime, was under 18 years of age:

(a) Sexual abuse in the second degree under ORS 163.415.

(b) Furnishing obscene materials to minors under ORS 167.065.

(c) Sending obscene materials to minors under ORS 167.070.

(d) Exhibiting an obscene performance to a minor under ORS 167.075.

(e) Displaying obscene materials to minors under ORS 167.080.

(4) In the case of crimes described in paragraph (k) of subsection (2) of this section, the "victim" is the child engaged in sexual conduct. In the case of the crime described in paragraph (m) of subsection (2) of this section, the "victim" is the party to the incest other than the party being prosecuted. In the case of crimes described in paragraphs (n) and (o) of subsection (2) of this section, the "victim" is the child whose acts of prostitution are promoted or compelled.

(5) Except as provided in subsection (6) of this section or as otherwise expressly provided by law, prosecutions for other offenses must be commenced within the following periods of limitations after their commission:

(a) For any other felony, three years.

(b) For any misdemeanor, two years.

(c) For a violation, six months.

(6) If the period prescribed in subsection (5) of this section has expired, a prosecution nevertheless may be commenced as follows:

(a) If the offense has as a material element either fraud or the breach of a fiduciary obligation, prosecution may be commenced within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall the period of limitation otherwise applicable be extended by more than three years; or

(b) If the offense is based upon misconduct in office by a public officer or employee, prosecution may be commenced at any time while the defendant is in public office or employment or within two years thereafter, but in no case shall the period of limitation otherwise applicable be extended by more than three years. [1973 c.836 §6; 1989 c.831 §1]

131.130 [Repealed by 1973 c.836 §358]

131.135 When prosecution commenced. A prosecution is commenced when a warrant or other process is issued, provided that the warrant or other process is executed without unreasonable delay. [1973 c.836 §7]

131.145 When time starts to run; tolling of statute. (1) For the purposes of ORS 131.125, time starts to run on the day after the offense is committed.

(2) Except as provided in ORS 131.155, the period of limitation does not run during:

(a) Any time when the accused is not an inhabitant of or usually resident within this state; or

(b) Any time when the accused hides within the state so as to prevent process being served upon the accused.

(3) If, when the offense is committed, the accused is out of the state, the action may be commenced within the time provided in ORS 131.125 after the coming of the accused into the state. [1973 c.836 §8; 1987 c.158 §19]

131.155 Tolling of statute; three-year maximum. Notwithstanding ORS 131.145, in no case shall the period of limitation otherwise applicable be extended by more than three years. [1973 c.836 §9]

JURISDICTION

131.205 Definition for ORS 131.205 to 131.235. As used in ORS 131.205 to 131.235, "this state" means the land and water and the air space above the land and water with respect to which the State of Oregon has legislative jurisdiction. [1973 c.836 §13]

131.210 [Repealed by 1973 c.836 §358]

131.215 Jurisdiction. Except as otherwise provided in ORS 131.205 to 131.235, a person is subject to prosecution under the laws of this state for an offense that the person commits by the conduct of the person or the conduct of another for which the person is criminally liable if:

(1) Either the conduct that is an element of the offense or the result that is an element occurs within this state; or

(2) Conduct occurring outside this state is sufficient under the law of this state to constitute an attempt to commit an offense within this state; or

(3) Conduct occurring outside this state is sufficient under the law of this state to constitute a conspiracy to commit an offense within this state and an overt act in furtherance of the conspiracy occurs within this state; or

(4) Conduct occurring within this state establishes complicity in the commission of, or an attempt, solicitation or conspiracy to commit an offense in another jurisdiction which also is an offense under the law of this state; or

(5) The offense consists of the omission to perform a legal duty imposed by the law of this state with respect to domicile, residence or a relationship to a person, thing or transaction in this state; or

(6) The offense violates a statute of this state that expressly prohibits conduct outside this state affecting a legislatively protected interest of or within this state and the actor has reason to know that the conduct of the actor is likely to affect that interest. [1973 c.836 §10]

131.220 [Repealed by 1973 c.836 §358]

131.225 Exceptions. (1) Unless in the statute defining the offense a legislative intent clearly appears to declare the conduct criminal, regardless of the place of the result, ORS 131.215 (1) does not apply if:

(a) Either causing a specified result or an intent to cause or danger of causing that result is an element of an offense; and

(b) The result occurs or is designed or likely to occur only in another jurisdiction where the conduct charged would not constitute an offense.

(2) ORS 131.215 (1) does not apply if causing a particular result is an element of an offense and the result is caused by conduct occurring outside this state that would not constitute an offense if the result had occurred there, unless the actor intentionally or knowingly caused the result within this state. [1973 c.836 §11]

131.230 [Repealed by 1973 c.836 §358]

131.235 Criminal homicide. (1) If the offense committed is criminal homicide, either the death of the victim or the conduct causing death constitutes a "result" within the meaning of ORS 131.215 (1).

(2) If the body, or a part thereof, of a criminal homicide victim is found within this state, it shall be prima facie evidence that the result occurred within this state. [1973 c.836 §12]

131.240 [Repealed by 1973 c.836 §358]

131.250 [1971 c.743 §291; repealed by 1973 c.836 §358]

VENUE

131.305 Place of trial. (1) Except as otherwise provided in ORS 131.305 to 131.415, criminal actions shall be commenced and tried in the county in which the conduct that constitutes the offense or a result that is an element of the offense occurred.

(2) All objections of improper place of trial are waived by a defendant unless the defendant objects in the manner set forth in ORS 131.335 to 131.363. [1973 c.836 §14]

131.310 [Repealed by 1973 c.836 §358]

131.315 Special provisions. (1) If conduct constituting elements of an offense or results constituting elements of an offense occur in two or more counties, trial of the offense may be held in any of the counties concerned.

(2) If a cause of death is inflicted on a person in one county and the person dies therefrom in another county, trial of the offense may be held in either county.

(3) If the commission of an offense commenced outside this state is consummated within this state, trial of the offense shall be held in the county in which the offense is consummated or the interest protected by the criminal statute in question is impaired.

(4) If an offense is committed on any body of water located in, or adjacent to, two or more counties or forming the boundary between two or more counties, trial of the offense may be held in any nearby county bordering on the body of water.

(5) If an offense is committed in or upon any railroad car, vehicle, aircraft, boat or other conveyance in transit and it cannot readily be determined in which county the offense was committed, trial of the offense may be held in any county through or over which the conveyance passed.

(6) If an offense is committed on the boundary of two or more counties or within one mile thereof, trial of the offense may be held in any of the counties concerned.

(7) A person who commits theft, burglary or robbery may be tried in any county in which the person exerts control over the property that is the subject of the crime.

(8) If the offense is an attempt or solicitation to commit a crime, trial of the offense may be held in any county in which any act that is an element of the offense is committed.

(9) If the offense is criminal conspiracy, trial of the offense may be held in any county in which any act or agreement that is an element of the offense occurs.

(10) A person who in one county commits an inchoate offense that results in the commission of an offense by another person in another county, or who commits the crime of hindering prosecution of the principal offense, may be tried in either county.

(11) A criminal nonsupport action may be tried in any county in which the dependent child is found, irrespective of the domicile of the parent, guardian or other person lawfully charged with support of the child.

(12) If the offense is theft and the offense consists of an aggregate transaction involving more than one county, trial of the offense may be held in any county in which one of the acts of theft was committed.

(13) When a prosecution is for violation of the Oregon Securities Law, the trial of the offense may be held in the county in which:

(a) The offer to purchase or sell securities took place or where the sale or purchase of securities took place; or

(b) Any act that is an element of the offense occurred.

(14) When a prosecution under ORS 411.675 and 411.990 (3) and (4) involves Medicaid funds, the trial of the offense may be held in the county in which the claim was submitted for payment or in the county in which the claim was paid. [1973 c.836 §15; 1987 c.603 §26, 1989 c.384 §1]

131.320 [Repealed by 1973 c.836 §358]

131.325 Place of trial; doubt as to place of crime; conduct outside of state. If an offense is committed within the state and it cannot readily be determined within which county the commission took place, or a statute that governs conduct outside the state is violated, trial may be held in the county in which the defendant resides, or if the defendant has no fixed residence in this state, in the county in which the defendant is apprehended or to which the defendant is extradited. [1973 c.836 §16]

131.330 [Repealed by 1973 c.836 §358]

131.335 Change of venue. In accordance with ORS 131.345 to 131.415, the defendant in a criminal action may have the place of trial changed only once, except for causes

arising after the first change was allowed. [1973 c.836 §17]

131.340 [Repealed by 1973 c.836 §358]

131.345 Motion for change of venue; when made. A motion for change of venue may be made in any criminal action in a circuit or district court when the case is at issue upon a question of fact. [1973 c.836 §18]

131.350 [Amended by 1971 c.743 §316; repealed by 1973 c.836 §358]

131.355 Change of venue for prejudice. The court, upon motion of the defendant, shall order the place of trial to be changed to another county if the court is satisfied that there exists in the county where the action is commenced so great a prejudice against the defendant that the defendant cannot obtain a fair and impartial trial. [1973 c.836 §19]

131.360 [Amended by 1973 c.743 §317; repealed by 1973 c.836 §358]

131.363 Change of venue in other cases. For the convenience of parties and witnesses, and in the interest of justice, the court, upon motion of the defendant, may order the place of trial to be changed to another county. [1973 c.836 §20]

131.365 [1959 c.664 §5; repealed by 1973 c.836 §358]

131.370 [Repealed by 1973 c.836 §358]

131.375 Transmission of transcript on change of venue. When the court has ordered a change of venue, the clerk shall forthwith make and retain authenticated copies of the original papers filed in the case and transmit to the clerk of the proper court a transcript of the proceedings and the original papers. [1973 c.836 §21]

131.380 [Repealed by 1973 c.836 §358]

131.385 Filing of transmitted transcript and papers. The change of the place of trial is complete when the transcript and papers are filed with the clerk of the court to which the trial is transferred, and thereafter the action shall proceed in the same manner as if it had been commenced in that court. [1973 c.836 §22]

131.390 [Amended by 1971 c.746 §318; repealed by 1973 c.836 §358]

131.395 Expenses of change; taxation as costs. (1) The expenses of the change of place of trial under ORS 131.363 shall be taxed, as allowed by law, as expenses of the action, and the costs and expenses of the action shall be taxed in the court and paid by the county wherein the trial is held. If the costs and expenses are not recovered from the defendant, the county in which the action was commenced shall repay the county in which the trial is held.

(2) The expenses of a change of place of trial under ORS 131.355 shall not be taxed against the defendant. [1973 c.836 §23]

131.400 [Repealed by 1973 c.836 §358]

131.405 Attendance of defendant at new place of trial. (1) When the court has ordered a change of place of trial, if the defendant has been released on security release, conditional release or recognizance, the defendant must, without further notice, appear at the time and place appointed for trial and not depart therefrom without permission of the court.

(2) A security deposit is sufficient therefor in all respects as if the action had proceeded to final determination in the court where it was commenced. [1973 c.836 §24]

131.410 [Repealed by 1973 c.836 §358]

131.415 Conveyance of defendant in custody after change of venue. When the court has ordered a change of place of trial, if the defendant is in custody, the clerk of the court shall issue an order to the sheriff of the county, directing the sheriff to safely convey the defendant and deliver the defendant to the custody of the executive head of the correctional institution of the county where the defendant is to be tried. [1973 c.836 §25]

131.420 [Amended by 1961 c.442 §1; repealed by 1973 c.836 §358]

131.430 [Repealed by 1973 c.836 §358]

131.440 [Repealed by 1973 c.836 §358]

131.450 [Repealed by 1973 c.836 §358]

131.460 [Repealed by 1973 c.836 §358]

131.470 [Repealed by 1973 c.836 §358]

FORMER JEOPARDY

131.505 Definitions for ORS 131.505 to 131.525. As used in ORS 131.505 to 131.525, unless the context requires otherwise:

(1) "Conduct" and "offense" have the meaning provided for those terms in ORS 161.085 and 161.505.

(2) When the same conduct or criminal episode violates two or more statutory provisions, each such violation constitutes a separate and distinct offense.

(3) When the same conduct or criminal episode, though violating only one statutory provision, results in death, injury, loss or other consequences of two or more victims, and the result is an element of the offense defined, there are as many offenses as there are victims.

(4) "Criminal episode" means continuous and uninterrupted conduct that establishes at least one offense and is so joined in time, place and circumstances that such conduct is directed to the accomplishment of a single criminal objective.

(5) A person is "prosecuted for an offense" when the person is charged therewith by an accusatory instrument filed in any court of this state or in any court of any political subdivision of this state, and when the action either:

(a) Terminates in a conviction upon a plea of guilty, except as provided in ORS 131.525 (2); or

(b) Proceeds to the trial stage and the jury is impaneled and sworn; or

(c) Proceeds to the trial stage when a judge is the trier of fact and the first witness is sworn.

(6) There is an "acquittal" if the prosecution results in a finding of not guilty by the trier of fact or in a determination that there is insufficient evidence to warrant a conviction. [1973 c.836 §26; 1983 c.509 §1]

131.515 Previous prosecution; when a bar to second prosecution. Except as provided in ORS 131.525 and 131.535:

(1) No person shall be prosecuted twice for the same offense.

(2) No person shall be separately prosecuted for two or more offenses based upon the same criminal episode, if the several offenses are reasonably known to the appropriate prosecutor at the time of commencement of the first prosecution and establish proper venue in a single court.

(3) If a person is prosecuted for an offense consisting of different degrees, the conviction or acquittal resulting therefrom is a bar to a later prosecution for the same offense, for any inferior degree of the offense, for an attempt to commit the offense or for an offense necessarily included therein. A finding of guilty of a lesser included offense is an acquittal of the greater inclusive offense, although the judgment of conviction is subsequently reversed or set aside. [1973 c 836 §27]

131.525 Previous prosecution; when not a bar to subsequent prosecution. (1) A previous prosecution is not a bar to a subsequent prosecution when the previous prosecution was properly terminated under any of the following circumstances:

(a) The defendant consents to the termination or waives, by motion, by an appeal upon judgment of conviction, or otherwise, the right to object to termination.

(b) The trial court finds that a termination, other than by judgment of acquittal, is necessary because:

(A) It is physically impossible to proceed with the trial in conformity with law; or

(B) There is a legal defect in the proceeding that would make any judgment entered upon a verdict reversible as a matter of law; or

(C) Prejudicial conduct, in or outside the courtroom, makes it impossible to proceed with the trial without injustice to either the defendant or the state; or

(D) The jury is unable to agree upon a verdict; or

(E) False statements of a juror on voir dire prevent a fair trial.

(c) When the former prosecution occurred in a court which lacked jurisdiction over the defendant or the offense.

(d) When the subsequent prosecution was for an offense which was not consummated when the former prosecution began.

(2) A plea of guilty or resulting judgment is not a bar under ORS 131.515 (2) to a subsequent prosecution under an accusatory instrument which is filed no later than 30 days after entry of the guilty plea. The defendant's prior plea of guilty or resulting judgment, notwithstanding ORS 135.365, shall be vacated upon motion by the defendant if made within 30 days after defendant's arraignment for the subsequent prosecution. The provisions of ORS 135.445 apply to such a vacated plea or resulting judgment and any statements made in relation to those proceedings. [1973 c 836 §28; 1983 c.509 §2]

131.535 Proceedings not constituting acquittal. The following proceedings will not constitute an acquittal of the same offense:

(1) If the defendant was formerly acquitted on the ground of a variance between the accusatory instrument and the proof; or

(2) If the accusatory instrument was:

(a) Dismissed upon a demurrer to its form or substance; or

(b) Dismissed upon any pretrial motion; or

(c) Discharged for want of prosecution without a judgment of acquittal. [1973 c.836 §29]

CRIME PREVENTION

(Stopping of Persons)

131.605 Definitions for ORS 131.605 to 131.625. As used in ORS 131.605 to 131.625, unless the context requires otherwise:

(1) "Crime" has the meaning provided for that term in ORS 161.515.

(2) A "frisk" is an external patting of a person's outer clothing.

(3) "Dangerous weapon," "deadly weapon" and "person" have the meaning provided for those terms in ORS 161.015.

(4) "Reasonably suspects" means that a peace officer holds a belief that is reasonable

under the totality of the circumstances existing at the time and place the peace officer acts as authorized in ORS 131.605 to 131.625.

(5) A "stop" is a temporary restraint of a person's liberty by a peace officer lawfully present in any place. [1973 c.836 §30]

131.615 Stopping of persons. (1) A peace officer who reasonably suspects that a person has committed a crime may stop the person and, after informing the person that the peace officer is a peace officer, make a reasonable inquiry.

(2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

(3) The inquiry shall be considered reasonable only if limited to the immediate circumstances that aroused the officer's suspicion. [1973 c.836 §31]

131.625 Frisk of stopped persons. (1) A peace officer may frisk a stopped person for dangerous or deadly weapons if the officer reasonably suspects that the person is armed and presently dangerous to the officer or other person present.

(2) If, in the course of the frisk, the peace officer feels an object which the peace officer reasonably suspects is a dangerous or deadly weapon, the peace officer may take such action as is reasonably necessary to take possession of the weapon. [1973 c 836 §32]

(Detention)

131.655 Detention and interrogation of persons suspected of theft committed in a store; probable cause. (1) Notwithstanding any other provision of law, a peace officer, merchant or merchant's employee who has probable cause for believing that a person has committed theft of property of a store or other mercantile establishment may detain and interrogate the person in regard thereto in a reasonable manner and for a reasonable time.

(2) If a peace officer, merchant or merchant's employee, with probable cause for believing that a person has committed theft of property of a store or other mercantile establishment, detains and interrogates the person in regard thereto, and the person thereafter brings against the peace officer, merchant or merchant's employee any civil or criminal action based upon the detention and interrogation, such probable cause shall be a defense to the action, if the detention and interrogation were done in a reasonable manner and for a reasonable time. [Formerly 133.037]

(Prevention by Public Officers)

131.665 Prevention by public officers. Crimes may be prevented by the action of public officers in accordance with ORS 131.675, 131.685, 131.705 to 131.735, and as otherwise authorized by law. [1973 c.836 §34a (enacted in lieu of 145.010)]

131.675 Dispersal of unlawful or riotous assemblages. When any five or more persons, whether armed or not, are unlawfully or riotously assembled in any county, city, town or village, the sheriff of the county and the deputies of the sheriff, the mayor of the city, town or village, or chief executive officer or officers thereof, and the justice of the peace of the district where the assemblage takes place, or such of them as can forthwith be collected, shall go among the persons assembled, or as near to them as they can with safety, and command them in the name of the State of Oregon to disperse. If, so commanded, they do not immediately disperse, the officer must arrest them or cause them to be arrested; and they may be punished according to law. [Formerly 145.020; 1987 c 526 §1]

131.685 Authority of Governor to enter into agreements with other states for crime prevention purposes. The Governor of Oregon may enter into agreements or compacts with the Governor of any or all the States of Washington, Idaho, California and Nevada, each acting on behalf of the own state of the Governor, in order to effectuate cooperative effort and mutual assistance in the prevention of crime in those states and in the enforcement of their respective criminal laws and policies. [Formerly 145.060]

(Exclusion from Public Property)

131.705 Definitions for ORS 131.705 to 131.735. As used in ORS 131.705 to 131.735, unless the context requires otherwise:

(1) "Police" means the municipal police and the county sheriff of the political subdivision in which the public property is located, and the Department of State Police.

(2) "Public official" means the officer or employee who is the administrative head of the board, commission, agency or division or department of this state or any political subdivision therein which has jurisdiction over any public property, or the designate of the officer or employee.

(3) "Public property" means public lands, premises and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or buildings owned or leased by this state or any political subdivision therein. [Formerly 145.610]

131.715 Proclamation of emergency period by Governor. After consultation with the public official, or the designate of the public official, and the police, the Governor may proclaim an emergency period if the Governor finds that there exists on any public property a clear and present danger of injury to persons, damage to property or denial of or substantial interference with ingress or egress from public property. The proclamation shall describe the public property affected by the proclamation. The Governor shall cause the proclamation to be publicized. When the Governor finds that the danger has ended, the Governor shall proclaim the end of the emergency period. [Formerly 145.620]

131.725 Exclusion from public property. (1) During the emergency period proclaimed by the Governor under ORS 131.715, the public official shall order excluded from the public property described in the proclamation such persons who in the judgment of the public official are contributing to or aggravating the danger which the Governor has proclaimed to exist.

(2) After informing the person ordered removed or excluded from the public property of the proclamation and order, the police shall remove or exclude such person from such public property.

(3) Any person who, having been ordered excluded or removed from any public property, knowingly enters thereon or who remains on such property during an emergency period proclaimed by the Governor under ORS 131.715 and who refuses to leave such property upon request by the police, commits a Class A misdemeanor. [Formerly 145.630]

131.735 Review of exclusion order. Any person ordered removed or excluded from any public property under ORS 131.715 and 131.725 shall have immediate access to the circuit court for the county in which the property is located for review of the order of exclusion or removal. Such access shall be in the form of a writ of review and shall be given priority over all other cases on the docket of the circuit court. [Formerly 145.640]

(Special Law Enforcement Officers)

131.805 Authority to employ special agents. The Governor may employ, at such salaries as the Governor deems reasonable for the services rendered, special agents to effect the apprehension and conviction of criminals, the return of fugitives from justice, the investigation of cases in which the Governor believes the laws of the state are being violated, the supervision of persons paroled or conditionally pardoned from the Department of Corrections or the collection of evidence in any case, civil or criminal, in which the state is interested whenever in the judgment of the Governor it is necessary from the conditions existing in any case, whenever the Governor is convinced that criminals are likely to escape punishment and justice cannot be done by the regularly constituted authorities of any county of the state or of the state or whenever any emergency has arisen which in the judgment of the Governor would justify the Governor so doing. [Formerly 148.010; 1987 c.320 §17]

131.815 Presentment of facts to circuit court. Whenever in the opinion of the Governor the criminal laws of the state are not being faithfully executed and enforced and the circumstances justify the appointment of any sheriff, district attorney, constable or justice of the peace pro tem, the Governor shall lay the facts of which the Governor is advised before the circuit court, or any judge thereof, of the district of the office in question. The court or judge shall, without delay, in a summary manner consider the facts so presented and such further facts as can be gathered or may be presented by or on behalf of the Governor, the officer or any party interested. [Formerly 148.110]

131.825 Hearing. The court, or judge thereof, in conducting such hearing, shall have all the usual powers of the circuit court or judge, including the power to subpoena and examine witnesses of its own motion. The Governor, the officer affected or any party interested may subpoena witnesses and appear and participate in person or by counsel, and the officer shall be given reasonable opportunity to prepare and present this case. The Attorney General shall appear on behalf of the Governor if by the Governor requested so to do. [Formerly 148.120]

131.835 Request that judge of another district conduct hearing; traveling expenses. When the Governor has made a request for an investigation before the court or judge of the district of the office affected, the court or judge may request that the hearing be held before the court or judge of any other district and call in such court or judge to conduct the same at the regular place of holding court in the district of the office affected. Such a request shall be made by the court or judge without delay and the court or judge called in shall proceed without delay to conduct the hearing. The actual necessary traveling expenses of any court or judge that is called in shall be paid out of the funds appropriated for the purposes of ORS 131.815 to 131.875 upon properly verified vouchers being presented to the Secretary of State. [Formerly 148.130]

131.845 Findings. The court or judge shall make such findings as are justified by the facts adduced at the hearing and shall find as to whether or not the criminal laws of the state are being faithfully executed and enforced by the officers under investigation. [Formerly 148.140]

131.855 Appointment of special officers on finding that laws are not enforced. If it is found that the criminal laws of the state are not being faithfully executed and enforced by the officers under investigation, the Governor may appoint, for a period not longer than 90 days, such special officers as may be necessary to correct the failure to execute or enforce the criminal laws. [Formerly 148.150]

131.860 Qualifying of special officers; powers and duties. When appointed, special officers shall qualify in the same manner as provided by law for regularly elected officers, shall have all the power and authority of the regularly elected officers necessary to effectuate the purposes of the appointment and shall carry out the directions of the Governor, pursuant to the appointment, in the same manner and to the same extent as the duly elected officers could do or perform; and no greater power shall be conferred upon any special officer than is by law lodged with the regularly elected officers. [Formerly 148 160]

131.865 Compensation of special officers. The special officers provided for in ORS 131.855 shall receive a compensation for the time they are appointed equal to that provided for the regularly elected officers, the compensation to be paid in the same manner as the regular officers are paid. [Formerly 148.170]

131.875 Effect of appointment of special officers on salary of regular officers. The regularly elected, qualified and acting officers shall, during any appointment of a special officer, receive the salary provided by law, to the same extent as though no special officer had been appointed. [Formerly 148.180]

131.880 Appointment of railroad police officers; liability. The Governor, upon application of any railroad company operating in this state, may appoint and commission, during the pleasure of the Governor, persons designated by the company and to serve at the expense of the company, as police officers, with the powers of peace officers and who, after being duly sworn, may act as police officers to protect the railroad company property and the persons or property of the railroad company passengers or employees. The railroad company designating such persons is civilly responsible for any abuse of their authority. [1973 c.676 §1]

(Rewards)

131.885 Offer of reward. If any person charged with or convicted of any felony within this state breaks prison, escapes, absconds or flees or hides from justice, the county court or county governing body of the county in which the crime was committed, if the court or governing body deems it necessary, may offer a reward not exceeding $1,000 for information leading to the apprehension of such person by the appropriate police authority. [Formerly 149 010, 1981 c 300 §1]

131.890 Entitlement to reward. Any person providing information leading to the apprehension of a person for whom a reward has been offered under ORS 131.885 is entitled to and shall be paid the reward offered under ORS 131.885 or a proportionate share thereof if more than one claimant is entitled. [Formerly 149.020; 1981 c.300 §2]

131.895 Procedure for payment. The county court or county governing body, on the claim of the applicant for reward under ORS 131.885 to 131.895, shall determine whether the claimant is entitled to the reward. If it so determines, it shall certify the amount offered in reward, or a proportionate share thereof if more than one claimant is entitled, to the county clerk of the county and the county clerk shall draw a warrant on the treasurer of the county for the amount so authorized. [Formerly 149.030; 1981 c.300 §3]

131.897 Authority to order repayment of reward as part of sentence. In addition to any other sentence it may impose as a result of a criminal conviction, the court may order that a defendant reimburse to a person, organization or public body or officer, any sum or portion thereof offered not exceeding $1,000, and paid by the person, organization or public body or officer under ORS 131.885 to 131.895, as a reward for information leading to the apprehension of the defendant. [1981 c.300 §4]

Note: The amendments to 131.897 by section 13, chapter 905, Oregon Laws 1987, take effect July 1, 1991. See amendments to section 39, chapter 905, Oregon Laws 1987, by section 6, chapter 844, Oregon Laws 1989. Chapter 905, Oregon Laws 1987, is repealed on July 1, 1991. See section 7, chapter 844, Oregon Laws 1989. The text is set forth for the user's convenience.

131.897 In addition to any other sentence it may impose as a result of a criminal conviction, the court may order that a defendant reimburse to a person, organization or public body or officer, any sum or portion thereof offered not exceeding $1,000, and paid by the person, organization or public body or officer under ORS 131.885 to 131.895, as a reward for information leading to the apprehension of the defendant. Reimbursement under this section shall be ordered paid into the court, for further transfer by the clerk to the person, organization or public body or officer entitled to it. The monetary obligation described in this section is a category 4 obligation under ORS 137.295. [1987 c.905 §13]

Note: 131.897 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 131 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

131.990 [Formerly 145 990, repealed by 1987 c.526 §2]