CHAPTER 14

AN ACT HB 4041

Relating to public safety; creating new provisions; amending ORS 137.172, 137.320, 137.370, 138.510, 164.043, 164.045, 164.055, 164.354, 164.365, 811.182 and 811.540; and declaring an emergency.

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

DRIVING WHILE SUSPENDED

SECTION 1. ORS 811.182 is amended to read:

811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the person violates ORS 811.175 and the suspension or revocation is one described in this section, or if the hardship permit violated is based upon a suspension or revocation described in subsection (3) or (4) of this section.

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

(3) The offense described in this section, criminal driving while suspended or revoked, is a Class B felony if the suspension or revocation resulted from any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the suspension or revocation resulted from aggravated vehicular homicide or aggravated driving while suspended or revoked or if the revocation resulted from a conviction for felony driving while under the influence of intoxicants.

(4) The offense described in this section, criminal driving while suspended or revoked, is a Class A misdemeanor if the suspension or revocation is any of the following:

(a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree of recklessly endangering another person[,] **or** menacing [*or criminal mischief*], resulting from the operation of a motor vehicle.

(b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content of:

(A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

(B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

(C) Any amount if the person was under 21 years of age.

(c) A suspension of commercial driving privileges under ORS 809.510 resulting from failure to perform the duties of a driver under ORS 811.700.

(d) A suspension of commercial driving privileges under ORS 809.510 (7) where the person's commercial driving privileges have been suspended or revoked by the other jurisdiction for failure of or refusal to take a chemical test to determine the alcoholic content of the person's blood under a statute that is substantially similar to ORS 813.100.

(e) A suspension of commercial driving privileges under ORS 809.520.

(f) A revocation resulting from habitual offender status under ORS 809.640.

(g) A suspension resulting from any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, other than a crime described in subsection (3) of this section.

(h) A suspension for failure to perform the duties of a driver under ORS 811.705.

[*(i) A suspension for reckless driving under ORS 811.140.*]

[*(j)*] **(i)** A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

[*(k)*] **(j)** A suspension or revocation resulting from misdemeanor driving while under the influence of intoxicants under ORS 813.010.

[*(L)*] **(k)** A suspension for use of a motor vehicle in the commission of a crime punishable as a felony.

(5) In addition to any other sentence that may be imposed, if a person is convicted of the offense described in this section and the underlying suspension resulted from driving while under the influence of intoxicants, the court shall impose a minimum fine of at least $1,000 if it is the person's first conviction for criminal driving while suspended or revoked and a minimum fine of at least $2,000 if it is the person's second or subsequent conviction.

(6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is a felony as crime category 4 of the rules of the commission.

(b) Notwithstanding paragraph (a) of this subsection, the commission shall classify a violation of this section that is a felony as crime category 6 of the rules of the commission, if the suspension or revocation resulted from:

(A) Any degree of murder, manslaughter or criminally negligent homicide or an assault that causes serious physical injury, resulting from the operation of a motor vehicle; or

(B) Aggravated vehicular homicide or aggravated driving while suspended or revoked.

SECTION 2. (1) The amendments to ORS 811.182 by section 1 of this 2026 Act become operative on January 1, 2027.

(2) The amendments to ORS 811.182 by section 1 of this 2026 Act apply to conduct constituting, or alleged to constitute, a criminal offense occurring on or after January 1, 2027.

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SECTION 3. ORS 811.540 is amended to read:

811.540. (1) A person commits the crime of fleeing or attempting to elude a police officer if:

(a) The person is operating a motor vehicle; and

(b) A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren, and either:

(A) The person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer; or

(B) The person gets out of the vehicle and knowingly flees or attempts to elude the police officer.

(2) It is an affirmative defense to a prosecution of a person under this section that, after a police officer operating a vehicle not marked as an official police vehicle signaled the person to bring the person's vehicle to a stop, the person proceeded lawfully to an area the person reasonably believed was necessary to reach before stopping.

(3) The offense described in this section, fleeing or attempting to elude a police officer, is applicable upon any premises open to the public and:

(a) Is a Class C felony if committed as described in subsection (1)(b)(A) of this section; or

(b) Is a Class A misdemeanor if committed as described in subsection (1)(b)(B) of this section.

(4) When the crime of fleeing or attempting to elude a police officer is committed under the circumstances described in subsection (1)(b)(A) of this section, the Oregon Criminal Justice Commission shall classify the crime as follows:

(a) Crime category 4 of the sentencing guidelines grid of the commission if the defendant has a prior conviction under subsection (1)(b)(A) of this section or an equivalent crime in another jurisdiction in the 10 years prior to the date of the current offense;

(b) Crime category 6 of the sentencing guidelines grid of the commission if the defendant has two or more prior convictions under subsection (1)(b)(A) of this section or an equivalent crime in another jurisdiction in the 10 years prior to the date of the current offense;

(c) Crime category 6 of the sentencing guidelines grid of the commission and a person felony if the defendant's act results in physical injury to any other person; or

(d) Crime category 8 of the sentencing guidelines grid of the commission and a person felony if the defendant's act results in serious physical injury to any other person.

(5) As used in this section, "person felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.

SECTION 4. (1) The amendments to ORS 811.540 by section 3 of this 2026 Act become operative on January 1, 2027.

(2) The amendments to ORS 811.540 by section 3 of this 2026 Act apply to:

(a) Conduct constituting, or alleged to constitute, a criminal offense occurring on or after January 1, 2027.

(b) Prior convictions for which judgment was entered before, on or after the effective date of this 2026 Act.

POST-CONVICTION RELIEF

SECTION 5. ORS 138.510 is amended to read:

138.510. (1) Except as otherwise provided in ORS 138.540, any person convicted of a crime under the laws of this state may file a petition for post-conviction relief pursuant to ORS 138.510 to 138.680.

(2) A petition for post-conviction relief may be filed by one person on behalf of another person who has been convicted of aggravated murder and sentenced to death only if the person filing the petition demonstrates by a preponderance of the evidence that:

(a) The person sentenced to death is unable to file a petition on the person's own behalf due to mental incapacity or because of a lack of access to the court; and

(b) The person filing the petition has a significant relationship with the person sentenced to death and will act in the best interest of the person on whose behalf the petition is being filed.

(3) A petition pursuant to ORS 138.510 to 138.680 must be filed within two years of the following, unless the court on hearing a subsequent petition finds grounds for relief asserted which could not reasonably have been raised in the original or amended petition:

(a) If no appeal is taken, the date the judgment or order on the conviction was entered in the register.

(b) If an appeal is taken, the date the appeal is final in the Oregon appellate courts.

(c) If a petition for certiorari to the United States Supreme Court is filed, the later of:

(A) The date of denial of certiorari, if the petition is denied; or

(B) The date of entry of a final state court judgment following remand from the United States Supreme Court.

(4) A one-year filing period shall apply retroactively to petitions filed by persons whose convictions and appeals became final before August 5, 1989, and any such petitions must be filed within one year after November 4, 1993. A person whose post-conviction petition was dismissed prior to November 4, 1993, cannot file another post-conviction petition involving the same case.

(5) The remedy created by ORS 138.510 to 138.680 is available to persons convicted before May 26, 1959.

(6) In any post-conviction proceeding pending in the courts of this state on May 26, 1959, the person seeking relief in such proceedings shall be allowed to amend the action and seek relief under ORS 138.510 to 138.680. If such person does not choose to

amend the action in this manner, the law existing prior to May 26, 1959, shall govern the case.

(7) A petition for post-conviction relief under ORS 138.510 to 138.680 claiming, as grounds for relief, that the person was convicted of a criminal offense as the result of a nonunanimous jury verdict, must be filed by no later than 120 days after the effective date of this 2026 Act.

SECTION 6. (1)(a) This section applies to petitions for post-conviction relief under ORS 138.510 to 138.680 claiming, as grounds for relief, that the person was convicted of a criminal offense as the result of a nonunanimous jury verdict, filed on or after the effective date of this 2026 Act.

(b) A person may not file a petition for post-conviction relief under this section if the person previously filed a petition under ORS 138.510 to 138.680 or section 1, chapter 368, Oregon Laws 2023, claiming, as grounds for relief, that the person was convicted of a criminal offense as the result of a nonunanimous jury verdict.

(2) ORS 138.550 does not apply to petitions for post-conviction relief described in this section.

(3)(a) Notwithstanding ORS 138.530, in a post-conviction relief proceeding claiming, as grounds for relief, that the person was convicted of a criminal offense as the result of a nonunanimous jury verdict, the petitioner has the burden of proving, by a preponderance of the evidence, that the conviction resulted from a nonunanimous jury verdict.

(b) Evidence that a jury verdict was nonunanimous is limited to:

(A) A verdict form;

(B) A written jury poll;

(C) An audio or video recording of the trial; or

(D) A transcript of the trial.

(c) Notwithstanding paragraph (b) of this subsection, if a recording or transcript of the trial reflects that the jury was polled after issuing the verdict, but either does not indicate or is ambiguous concerning whether the verdict was unanimous, the court may order a review in camera of the file of the district attorney, the defense attorney or the court, relating to the underlying conviction, and may consider any evidence concerning the jury's verdict within the file or files that the court determines to be credible.

(4) Notwithstanding ORS 138.520, if post-conviction relief is granted under this section, the court shall vacate the judgment as to the specific conviction that resulted from the nonunanimous jury verdict, or grant such other relief as stipulated by the parties.

(5) If a judgment of conviction is vacated on the grounds that the person was convicted of a criminal offense as the result of a nonunanimous jury verdict, upon retrial, if the trial court determines that evidence other than witness testimony that was previously admitted during the trial that resulted in the nonunanimous guilty verdict is unavailable because the evidence was lawfully destroyed or otherwise rendered unavailable through no fault of the state or the defendant, or that the evidence is unavailable despite reasonable efforts to preserve the evidence:

(a) The state may present in the state's case in chief or rebuttal case, and the defendant may present in the defendant's case in chief, a transcript or portion thereof, a recording of the prior proceeding or portion thereof, or any other previously admitted exhibit, concerning the unavailable evidence from the previous trial.

(b) The court shall instruct the jury:

(A) That the evidence is unavailable;

(B) That the jury may not attribute the unavailability to the state or the defendant, or fault either party for failing to produce the unavailable evidence; and

(C) That the jury may not speculate as to why the evidence is unavailable.

(c) The court may not instruct the jury pursuant to ORS 10.095 (7) or (8) regarding the transcripts, recordings of the prior proceeding or exhibits described in paragraph (a) of this subsection.

(6) Except as otherwise provided in this section, all provisions of ORS 138.510 to 138.680 apply to petitions for post-conviction relief described in this section.

(7) As used in this section, "conviction" includes a finding of guilty except for insanity.

SENTENCING RECALCULATIONS

SECTION 7. (1)(a) Except as provided in paragraph (d) of this subsection, if the Department of Corrections determines that a person was released from the custody of the department as a result of a material error in sentence computation or legal interpretation, the department shall petition the sentencing court for an order determining whether the person is lawfully subject to further incarceration.

(b) A petition described in this subsection shall be filed at the time the determination described in paragraph (a) of this subsection is made.

(c) The petition must state with particularity the nature of the alleged error and the legal basis for asserting that the sentence imposed by the court has not been fully served, and must be supported by an affidavit or declaration.

(d) The department may not file a petition described in this subsection if the person has completed or been discharged from the term of post-prison supervision following the person's release.

(2)(a) Except as provided in paragraph (d) of this subsection, if the state determines that a person was released from the custody of the department as a result of a material error in sentence computation or legal interpretation, the state may petition the sentencing court for an order determining whether the person is lawfully subject to further incarceration.

(b) If the state elects to file a petition under this subsection, the petition shall be filed as soon as practicable after the determination described in paragraph (a) of this subsection is made.

(c) The petition must state with particularity the nature of the alleged error and the legal basis for asserting that the sentence imposed by the court has not been fully served, and must be supported by an affidavit or declaration.

(d) The state may not file a petition described in this subsection if the person has completed or been discharged from the term of post-prison supervision following the person's release.

(3) The petitioner may accompany a petition described in subsection (1) or (2) of this section with a motion for the arrest and detention of the person, or for the person to be held in custody, pending the hearing.

(4)(a) Upon receipt of a petition described in subsection (1) or (2) of this section, the court shall determine whether probable cause exists to support the claim that there was a material error in sentence computation or legal interpretation as stated in the petition. Upon making such a determination, the court shall:

(A) Schedule a hearing within five days, or as soon as practicable;

(B) Issue an order for the released person to appear;

(C) Order the petitioner to provide notice of the order to appear and hearing to the person;

(D) Order the petitioner to provide notice of the order to appear and hearing to any victim who previously requested to be notified of sentencing matters; and

(E) Appoint counsel for the person, if the person is financially eligible and does not already have counsel.

(b) If the petition is accompanied by a motion described in subsection (3) of this section, and the court makes the probable cause finding described in paragraph (a) of this subsection, the court may order the arrest and detention of the person pending the hearing, or for the person to be held in custody pending the hearing, if the court additionally determines, by clear and convincing evidence, that such action is necessary for public safety. An order under this paragraph must state the factual basis for the court's findings.

(5)(a) At the hearing, the person has the right to be heard, to present evidence and to contest the claims set forth in the petition. The person may not challenge the original sentence imposed, and may only challenge the claim presented in the petition asserting that the person is subject to additional incarceration.

(b) After the hearing, the court may order the person recommitted to the legal and physical custody of the department only if the court finds, by clear and convincing evidence, that:

(A) The person has not completed the sentence lawfully imposed by the court; and

(B) The person has more than 30 days remaining on the sentence originally imposed.

SECTION 8. Section 7 of this 2026 Act applies to persons whom the Department of Corrections or the state has determined were released, on or after July 10, 2025, due to a material error in sentence computation or legal interpretation.

SECTION 9. ORS 137.172 is amended to read:

137.172. (1) The trial court retains authority after entry of judgment of conviction or a supplemental judgment, including during the pendency of an appeal, to modify the judgment, including the sentence, to correct any arithmetic or clerical errors or to delete or modify any erroneous **or ambiguous** term in the judgment. The court may correct the judgment either on the motion of one of the parties or on the court's own motion after written notice to all of the parties.

(2)(a) Before modifying an ambiguous term in the judgment under subsection (1) of this section:

(A) The court shall appoint counsel for the defendant, if the person is financially eligible and does not already have counsel, unless the defendant waives counsel; and

(B) The court shall hold a hearing concerning the ambiguous term, unless the defendant waives the hearing.

(b) If the court modifies an ambiguous term in the judgment under subsection (1) of this section, the court may not modify the judgment to achieve a result that is unsupported by the record from the original sentencing proceeding.

[*(2)*] **(3)** If the trial court enters a corrected judgment under this section during the pendency of an appeal, the trial court administrator shall immediately provide a copy of the corrected judgment to the appellate court.

SECTION 10. ORS 137.320 is amended to read:

137.320. (1) Except as provided in ORS 137.124, when a judgment includes commitment to the legal and physical custody of the Department of Corrections, the sheriff shall deliver the defendant, together with a copy of the entry of judgment and a statement signed by the sheriff of the number of days the defendant was imprisoned prior to delivery, to the superintendent of the Department of Corrections institution to which the defendant is initially assigned pursuant to ORS 137.124. If at the time of entry of a judgment, the defendant was serving a

term of incarceration at the direction of the supervisory authority of a county upon conviction of a prior felony, the sheriff shall also deliver to the Department of Corrections a copy of the prior entry of judgment committing the defendant to the supervisory authority of the county of conviction and a statement of the number of days the defendant has remaining to be served on the term or incarceration imposed in the prior judgment.

(2) If the defendant is surrendered to another legal authority prior to delivery to an institution of the Department of Corrections, the sheriff shall forward to the Department of Corrections copies of the entry of all pertinent judgments, a statement of the number of days the defendant was imprisoned prior to surrender, a statement of the number of days the defendant has remaining to be served on any term of incarceration the defendant was serving at the direction of the supervisory authority of a county upon conviction of a prior felony and an identification of the authority to whom the prisoner was surrendered.

(3) Upon receipt of the information described in subsection (1) or (2) of this section, the Department of Corrections shall establish a case file and compute the defendant's sentence in accordance with the provisions of ORS 137.370.

(4) When the judgment is imprisonment in the county jail or a fine and that the defendant be imprisoned until it is paid, the judgment shall be executed by the sheriff of the county. The sheriff shall compute the time the defendant was imprisoned after arrest and prior to the commencement of the term specified in the judgment. Such time shall be credited toward the term of the sentence.

(5)(a) Unless expressly ordered by the court within the judgment, when computing the defendant's sentence in accordance with the provisions of ORS 137.370, the Department of Corrections may not perform a sentence computation that results in more presentence incarceration credit than the person actually served in custody, on the case for which the sentence is being computed, prior to being committed to the custody of the department.

(b) If, during the pendency of the defendant's sentence, but after the initial 140 days after the defendant's commitment to the custody of the department, the department recomputes a presentence incarceration credit, and the recomputation results in a projected release date that is different from a previously computed projected release date, prior to the defendant's release the department shall provide written notice of the recomputation to:

(A) The sentencing court;

(B) The prosecuting attorney; and

(C) The defendant and the defendant's trial counsel.

(c) The written notice described in paragraph (b) of this subsection shall include the previously computed release date, the new release date, an explanation for the recomputation and a description of any efforts made by the department to notify any person who requested notifications related to sentencing changes for the person.

(d) When the department recomputes a presentence incarceration credit and the recomputation results in a projected release date that is different from a previously computed projected release date, the department shall provide the defendant with information concerning the process by which the recomputation may be challenged.

SECTION 11. ORS 137.370 is amended to read:

137.370. (1) When a person is sentenced to imprisonment in the custody of the Department of Corrections, the term of confinement therein commences from the day the person is delivered to the custody of an officer of the Department of Corrections for the purpose of serving the sentence executed, regardless of whether the sentence is to be served in a state or federal institution.

(2) Except as provided in subsections (3) and (4) of this section, when a person is sentenced to imprisonment in the custody of the Department of Corrections, for the purpose of computing the amount of sentence served the term of confinement includes only:

(a) The time that the person is confined by any authority after the arrest for:

(A) The crime for which sentence is imposed;

(B) A lesser included or greater inclusive offense of the crime for which sentence was imposed; and

(C) Any other crime constituting a violation of Oregon law within the same county designated by the sentencing court in the judgment as having been committed as part of the same criminal episode as the crime for which sentence was imposed; and

(b) The time that the person is authorized by the Department of Corrections to spend outside a confinement facility, in a program conducted by or for the Department of Corrections.

(3) When a judgment of conviction is vacated and a new sentence is thereafter imposed upon the defendant for the same crime, a lesser included or greater inclusive offense of the crime, or any crime constituting a violation of Oregon law within the same county designated by the sentencing court in the judgment as having been committed as part of the same criminal episode as the crime, the period of detention and imprisonment theretofore served shall be deducted from the maximum term, and from the minimum, if any, of the new sentence.

(4)**(a)** Unless the court expressly orders otherwise, a person who is confined as the result of a sentence for a crime or conduct that is not directly related to the crime for which the sentence is imposed, or for violation of the conditions of probation, parole or post-prison supervision, shall not receive presentence incarceration credit for the time served in jail toward service of the term of confinement.

(b) Presentence incarceration credit may not be credited to more than one consecutive sentence under one case number unless the court expressly orders, in the judgment, that the court intends that the credit shall apply as a duplicate credit to more than one consecutive sentence, and the duplicate credit may only be applied to those consecutive sentences for which that intent is expressly indicated in the judgment.

(c) Presentence incarceration credit may not be credited to more than one consecutive sentence under different case numbers unless the court expressly orders, in the judgment, that the court intends that the credit shall apply as a duplicate credit to more than one consecutive sentence under different case numbers, and the duplicate credit may only be applied to those consecutive sentences for which that intent is expressly indicated in the judgment.

(d) When the judgment authorizes presentence incarceration credit on one or more sentences under one case number, but does not authorize presentence incarceration credit for other sentences under the same case number that run concurrently, any credit authorized for one sentence shall be applied to all concurrent sentences within the case unless the court expressly orders otherwise, or unless a particular sentence is not otherwise eligible to receive presentence incarceration credit.

(e) Unless expressly ordered by the court in the judgment, a defendant's computed sentence may not be credited with more presentence incarceration credit under this section than the defendant actually served in custody, on the case for which the sentence is computed, prior to being committed to the custody of the Department of Corrections.

(5) Unless the court expressly orders otherwise, a term of imprisonment shall be concurrent with that portion of any sentence previously imposed that remains unexpired at the time the court imposes sentence. This subsection applies regardless of whether the earlier sentence was imposed by the same or any other court, and regardless of whether the earlier sentence is being or is to be served in the same penal institution or under the same correctional authority as will be the later sentence.

(6) As used in this section, "criminal episode" has the meaning given that term in ORS 131.505.

SECTION 12. (1) The amendments to ORS 137.320 by section 10 of this 2026 Act apply to sentence computations and recomputations occurring on or after the effective date of this 2026 Act.

(2) The amendments to ORS 137.370 by section 11 of this 2026 Act apply to sentences imposed on or after the effective date of this 2026 Act.

SECTION 12a. Notwithstanding ORS 421.168 (3), the Department of Corrections shall grant a person an additional 120 days of transitional leave under ORS 421.168 if:

(1) The department has determined that the person was released on or after July 10, 2025, and before the effective date of this 2026 Act due to a material error in sentence computation or legal interpretation concerning presentence incarceration credits;

(2) The department has recomputed the sentence and projected release date since the person's release and determined that the person has additional incarceration time to serve on the original sentence;

(3) The person, since being released from custody, has been in compliance with the conditions of post-prison supervision;

(4) The convictions for which the person is serving the sentence recomputed by the department are eligible for short-term transitional leave under ORS 421.168;

(5) In the original judgment of conviction, the court authorized participation, on all convictions for which the person is serving the sentence recomputed by the department, in the short-term transitional leave program described in ORS 421.168; and

(6) The person is eligible for short-term transitional leave under the rules of the department.

OFFENSE LEVELS BASED ON DOLLAR AMOUNTS

SECTION 13. ORS 164.043 is amended to read:

164.043. (1) A person commits the crime of theft in the third degree if:

(a) By means other than extortion, the person commits theft as defined in ORS 164.015; and

(b) The total value of the property in a single or an aggregate transaction is less than [*$100*] **$150**.

(2) Theft in the third degree is a Class C misdemeanor.

SECTION 14. ORS 164.045 is amended to read:

164.045. (1) A person commits the crime of theft in the second degree if:

(a) By means other than extortion, the person commits theft as defined in ORS 164.015; and

(b) The total value of the property in a single or aggregate transaction is [*$100*] **$150** or more and less than [*$1,000*] **$1,500**.

(2) Theft in the second degree is a Class A misdemeanor.

SECTION 15. ORS 164.055 is amended to read:

164.055. (1) A person commits the crime of theft in the first degree if, by means other than extortion, the person commits theft as defined in ORS 164.015 and:

(a) The total value of the property in a single or aggregate transaction is [*$1,000*] **$1,500** or more;

(b) The theft is committed during a riot, fire, explosion, catastrophe or other emergency in an area affected by the riot, fire, explosion, catastrophe or other emergency;

(c) The theft is theft by receiving committed by buying, selling, borrowing or lending on the security of the property;

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

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

(f) The subject of the theft is a precursor substance; or

(g) During the commission of the theft, the person recklessly engages in conduct that creates a substantial risk of serious physical injury to another person.

(2) As used in this section:

(a) "Companion animal" means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.

(b) "Explosive" means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

(c) "Firearm" has the meaning given that term in ORS 166.210.

(d) "Livestock animal" means a ratite, psittacine, horse, gelding, mare, filly, stallion, colt, mule, ass, jenny, bull, steer, cow, calf, goat, sheep, lamb, llama, pig or hog.

(e) "Precursor substance" has the meaning given that term in ORS 475.940.

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

SECTION 16. ORS 164.354 is amended to read:

164.354. (1) A person commits the crime of criminal mischief in the second degree if:

(a) The person violates ORS 164.345, and as a result thereof, damages property in an amount exceeding [*$500*] **$750**; or

(b) Having no right to do so nor reasonable ground to believe that the person has such right, the person intentionally damages property of another, or, the person recklessly damages property of another in an amount exceeding [*$500*] **$750**.

(2) Criminal mischief in the second degree is a Class A misdemeanor.

SECTION 17. ORS 164.365 is amended to read:

164.365. (1) A person commits the crime of criminal mischief in the first degree who, with intent to damage property, and having no right to do so nor reasonable ground to believe that the person has such right:

(a) Damages or destroys property of another:

(A) In an amount exceeding [*$1,000*] **$1,500**;

(B) By means of an explosive;

(C) By starting a fire in an institution while the person is committed to and confined in the institution;

(D) Which is a livestock animal as defined in ORS 164.055;

(E) Which is the property of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility used in direct service to the public; or

(F) By intentionally interfering with, obstructing or adulterating in any manner the service of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility; or

(b) Intentionally uses, manipulates, arranges or rearranges the property of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility used in direct service to the public so as to interfere with its efficiency.

(2) As used in subsection (1) of this section:

(a) "Institution" includes state and local correctional facilities, mental health facilities, juvenile detention facilities and state training schools.

(b) "Medical facility" means a health care facility as defined in ORS 442.015, a licensed physician's office or anywhere a licensed medical practitioner provides health care services.

(c) "Public utility" has the meaning provided for that term in ORS 757.005 and includes any cooperative, people's utility district or other municipal corporation providing an electric, gas, water or other utility service.

(d) "Railroad" has the meaning provided for that term in ORS 824.020.

(e) "Public transportation facility" means any property, structure or equipment used for or in connection with the transportation of persons for hire by rail, air or bus, including any railroad cars, buses or airplanes used to carry out such transportation.

(f) "Telecommunications carrier" has the meaning given that term in ORS 133.721.

(3) Criminal mischief in the first degree is a Class C felony.

SECTION 18. (1) The amendments to ORS 164.043, 164.045, 164.055, 164.354 and 164.365 by sections 13 to 17 of this 2026 Act become operative on January 1, 2027.

(2) The amendments to ORS 164.043, 164.045, 164.055, 164.354 and 164.365 by sections 13 to 17 of this 2026 Act apply to conduct constituting, or alleged to constitute, a criminal offense occurring on or after January 1, 2027.

CAPTIONS

SECTION 19. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

EFFECTIVE DATE

SECTION 20. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.

Approved by the Governor March 5, 2026
Filed in the office of Secretary of State March 5, 2026
Effective date March 5, 2026