

August 6, 1968

TO: Criminal Law Revision Commission
FROM: Miss Kathleen Beaufait,
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OFFENSES IN PRESENT OREGON LAW AS THEY
WOULD RELATE TO PROPOSED REVISION

A brief examination of penalties attached to areas of conduct not generally within the criminal code indicates the following:

- (1) Very few penalties will fall within the petty misdemeanor category, largely because low fines are matched with six month jail sentences.
- (2) There appear to be occasional references to a crime described in the criminal code, as well as specification of penalty; e.g. ORS 517.990 specifically indicates that the violation constitutes larceny by bailee.
- (3) There will be a need for a provision specifying the penalty for a misdemeanor where no penalty is specified. See ORS 161.080.
- (4) There are conflicts in the credit to be given per day of jail time in lieu of payment of fine. See ORS 496.990 (\$5 per day) and ORS 546.990 (\$2 per day).
- (5) The recommendations for improvement contained in the Beckett study (40 Oregon Law Review, nos. 1 and 2, 1960) are not going to be met by the proposed revision because it does not deal with even the majority of the penalty clauses to which the study refers. However, in fact, the proposed revision may deal with the majority of the felony penalties. The commission may wish, therefore, to issue a caveat on the limitations of its penalty revisions lest there be some misunderstanding as to the scope of its revision.

OFFENSES GENERALLY

Arthur's Category	ORS	OFFENSE	PENALTY
Misdemeanor	496.990	Fish and game violations	Misdemeanor, \$5 per day on fine
Misdemeanor	497.990	Permits and licenses	Misdemeanor, \$5 per day on fine
Misdemeanor	498.990	Regulations	Misdemeanor, \$5 per day on fine
Misdemeanor	501.990	Hatcheries	Misdemeanor, \$5 per day on fine
Misdemeanor	506.991	Commercial fishing	6 mon., \$25-1000
Misdemeanor	509.991	Oyster processing	Misdemeanor
Misdemeanor	517.990	Mining	(1) Larceny by bailee, \$100-500, 1 yr. (2) \$25-250 or 60 days (3) Misdemeanor
Misdemeanor	520.991	Gas and oil	\$2,500, 6 mon.
Misdemeanor	526.835	Selling logs improperly	Misdemeanor
(1)-(3) Misdemeanor; (4) Petty Misdemeanor	527.990	Forest conservation	(1) \$500, 3 mon. (2) Misdemeanor (3) \$250 or 60 days (4) \$100 or 30 days
(1) and (3) Misdemeanor; (2) Felony	532.990	Log branding	(1) \$500-1000, 60-180 days (2) Felony, \$1000-5000, 2 yrs. (3) Misdemeanor
(1) Violation (2) Misdemeanor	540.990	Water law	(1) \$25-150 with costs, at \$2 per day (2) \$10-250, 6 months
Violation	570.990	Weed control	\$100
Violation	571.991	Nursery	\$500

ELECTION LAW CORRUPT PRACTICES

Arthur's Category	ORS	OFFENSE	PENALTY
Violation	260.060	Finance statement, failure to file	\$25 per day
Misdemeanor	260.510	General penalty	1 yr., \$5,000
Felony - misdemeanor	260.610	Violation of registration	3 yrs., \$25-2,000
Misdemeanor	260.630	Misconduct of election officers	3-6 mons., \$100-500
Violation	260.640	Interference with voter	\$50-200
Misdemeanor	260.650	Disclosure, improper	3 mon.-1 yr., \$50-500
Felony - misdemeanor	260.660	Altering ballot	3 yrs., \$500-2,000
Misdemeanor	260.670	Destroying notices	1 yr., \$50-500
Felony - misdemeanor	260.680	Bribery	3 mon.-1 yr., 5 yrs.
Felony - misdemeanor	260.690	Accepting bribe	3 mon.-1 yr., 5 yrs.
Felony	260.700	Second conviction	5 yrs.
Misdemeanor	260.710	Ineligible voter	\$100-500, 3 mon.-1 yr
Misdemeanor	260.720	Intimidation	3 mon.-1 yr.
Violation	260.730	Influencing employes	\$100-1,000, for- feiture of cor- poration charter
Felony - Misdemeanor	260.750 260.760	Influencing voter	\$100-1,000, 3 yrs., ineligible to hold office of trust or profit
Felony - misdemeanor	260.780	Neglect of election duty	\$100-500, 3 mon. 1 yr. or 3 yrs.
Misdemeanor	260.790	Disturbing election	\$50-500, 1 mon.- 1 yr.
	260.820	Effect of corrupt act on candidate	Removal from office