

CRIMINAL LAW REVISION COMMISSION
311 State Capitol
Salem, Oregon

BURGLARY AND CRIMINAL TRESPASS

Proposed Amendment to Final Draft; November 1970

Subcommittee No. 1

BURGLARY AND CRIMINAL TRESPASS

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Section 135 is amended to read:

Burglary and criminal trespass; definitions. As used in sections 135 to 140 of this Act, unless the context requires otherwise:

(1) "Building," in addition to its ordinary meaning, includes any vehicle, boat, aircraft or other structure adapted for overnight accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices, or rented rooms, each unit is, in addition to being a part of such building, a separate building.

(2) "Dwelling" means a building which is usually occupied by a person lodging therein at night, whether or not a person is actually present.

(3) "Enter or remain unlawfully" means:

(a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or

(b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

(4) "Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

(5) "Person in charge" means a person, his representative or his employe who has lawful control of premises by ownership, tenancy, official position or other legal relationship.

(6) "Premises" includes any building and any real property, whether privately or publicly owned.