

# Chapter 164

## Offenses Against Property

### ARSON AND RELATED OFFENSES

- 164.315 Arson in the second degree
- 164.325 Arson in the first degree
- 164.335 Reckless burning

### CRIMINAL MISCHIEF AND RELATED OFFENSES

- 164.345 Criminal mischief in the third degree
- 164.354 Criminal mischief in the second degree
- 164.365 Criminal mischief in the first degree

### ARSON AND RELATED OFFENSES

**164.315 Arson in the second degree.** (1) A person commits the crime of arson in the second degree if:

(a) By starting a fire or causing an explosion, the person intentionally damages:

(A) Any building of another that is not protected property; or

(B) Any property of another and the damages to the property exceed \$750; or

(b) By knowingly engaging in the manufacture of methamphetamine, the person causes fire or causes an explosion that damages property described in paragraph (a) of this subsection.

(2) Arson in the second degree is a Class C felony. [1971 c.743 §143; 2001 c.432 §1; 2005 c.706 §3]

**164.320** [Amended by 1959 c.77 §1; repealed by 1971 c.743 §432]

**164.325 Arson in the first degree.** (1) A person commits the crime of arson in the first degree if:

(a) By starting a fire or causing an explosion, the person intentionally damages:

(A) Protected property of another;

(B) Any property, whether the property of the person or the property of another person, and such act recklessly places another person in danger of physical injury or protected property of another in danger of damage; or

(C) Any property, whether the property of the person or the property of another person, and recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty relating to the fire; or

(b) By knowingly engaging in the manufacture of methamphetamine, the person causes fire or causes an explosion that damages property described in paragraph (a) of this subsection.

(2) Arson in the first degree is a Class A felony. [1971 c.743 §144; 1991 c.946 §1; 2005 c.706 §4]

**164.330** [Repealed by 1971 c.743 §432]

**164.335 Reckless burning.** (1) A person commits the crime of reckless burning if the person recklessly damages property of another by fire or explosion.

(2) Reckless burning is a Class A misdemeanor. [1971 c.743 §142]

**164.340** [Repealed by 1971 c.743 §432]

## CRIMINAL MISCHIEF AND RELATED OFFENSES

**164.345 Criminal mischief in the third degree.** (1) A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that the person has such right, the person tampers or interferes with property of another.

(2) Criminal mischief in the third degree is a Class C misdemeanor. [1971 c.743 §145]

**164.350** [Repealed by 1971 c.743 §432]

**164.354 Criminal mischief in the second degree.** (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 \$100; 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 \$100.

(2) Criminal mischief in the second degree is a Class A misdemeanor. [1971 c.743 §146]

**164.355** [1967 c.378 §§1,2,3,4; 1969 c.287 §1; repealed by 1971 c.743 §432]

**164.360** [Repealed by 1971 c.743 §432]

**164.362** [1957 c.714 §§1,6(1); repealed by 1971 c.743 §432]

**164.364** [1957 c.714 §§4,5; repealed by 1971 c.743 §432]

**164.365 Criminal mischief in the first degree.** (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 \$750;

(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. [1971 c.743 §147; 1973 c.133 §6; 1975 c.344 §1; 1979 c.805 §1; 1983 c.740 §33a; 1987 c.447 §104; 1987 c.907 §10; 1989 c.584 §2; 1991 c.837 §13; 1991 c.946 §2; 1993 c.94 §1; 1993 c.332 §3; 1999 c.1040 §11; 1999 c.1093 §2; 2003 c.543 §4]