

CHAPTER 405

AN ACT

Relating to vehicle titling, registration and licensing; amending ORS 481.010, 481.140, 481.150, 481.205, 481.215, 481.220, 481.230, 481.235, 481.260, 481.272, 481.405, 481.430 and 481.472; and providing penalties.

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

Section 1. ORS 481.010 is amended to read:

481.010. As used in this chapter, except where the context otherwise requires:

- (1) "Chassis," with respect to vehicle structure, means the frame assembly, power plant and all appurtenances necessary for making a vehicle self-propelled, including front bumper, fenders, windshield, tire carrier and spare wheel, but not the spare tire.
- (2) (a) "Combined weight" in the case of a vehicle other than a motor bus or bus trailer means the light weight of the vehicle plus the weight of the maximum load which the vehicle may carry but excluding loads carried under the provisions of ORS 376.305 to 376.390 or 483.528.
- (b) "Combined weight" in the case of a motor bus or bus trailer means the light weight plus the product of multiplying the maximum seating capacity, including the driver's seat but excluding emergency seats, times 170 pounds if the vehicle has a separate compartment for transporting baggage or express, or times 150 pounds if the vehicle has no separate compartment for transporting baggage or express. If a bus or bus trailer has a seating capacity which is not arranged for separate or individual seats, 18 lineal inches shall be deemed the equivalent of a passenger seat.
- (c) *"Gross weight" means the light weight of the vehicle plus the weight of the maximum load which the vehicle may carry.*

Section 2. ORS 481.140 is amended to read:

481.140. Subject to subsection (2) of ORS 481.145:

- (1) All vehicles required to be registered, other than house trailers and those vehicles excluded by ORS 481.135, which are operated for the first time upon the public highways of this state during any given month are subject to registration and payment of fees for the 12-month period ending one year from the last day of the first month of operation.
- (2) All house trailers which are registered for the first time are subject to registration and payment of fees for the 12-month period ending one year from the last day of the month ~~[of registration.]~~ *the house trailer is subject to registration.*

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Section 3. ORS 481.150 is amended to read:

- 481.150. (1) If the department determines at any time that an applicant for a certificate of title of a motor vehicle, trailer or semi-trailer is not entitled thereto, the department may refuse to issue the certificate, or to register the vehicle.
- (2) After a hearing upon 10 days' notice thereof, the department may cancel the registration or certificate of title, or both, of a vehicle, if the department determines that a holder is not entitled thereto, or that all fees applicable to a vehicle, payable to the department, under any provision of law, have not been paid. The notice shall be served in person or by registered mail. When service is by registered mail, the service shall be deemed to be made on the first day after the deposit in the post office that the mail leave the place of deposit for the place of the address.
- (3) *When any registration or certificate of title, or both, of a vehicle, is canceled by the department, it shall be surrendered to the department.*
- ~~[(3)]~~ (4) No applicant for the registration or reregistration of a vehicle shall knowingly make any false statement or representation with respect to any facts required by this chapter to be set forth in the application for such registration, or use a name other than his true name in such application.

Section 4. ORS 481.205 is amended to read:

- 481.205. (1) Except as provided in subsection (2) of this section, the annual license fees prescribed in ORS 481.205 to 481.225 and 481.460 to 481.500 shall be paid to the department upon the registration or upon the annual renewal of a registration of a motor vehicle, trailer or semitrailer.
- (2) License fees for motor trucks, truck tractors, truck trailers, semitrailers, motor buses, bus trailers, armored cars, wreckers, tow cars, hearses and ambulances may be paid on an annual registration basis for January 1 to December 31, inclusive, or on a quarterly registration basis for one or more quarters of the year, or any fraction of any quarter thereof, to commence January 1, April 1, July 1 and October 1. For the privilege of making registration on a quarterly basis, an additional fee of \$1 shall be added to the quarterly license payment.

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481.205 (continued)

- (3) In no case shall any registration fees, or any portion thereof, be less than \$10, except for the registration of disaster units, as the term is used in paragraph ~~[(e)]~~ (d) of this subsection, motor bicycles and motorcycles [, and motor vehicles more than 25 years old used exclusively for exhibition and parade purposes]. Fees for these vehicles are as follows:

(a) Motor bicycles, \$3.

(b) Motorcycles, \$3.

(c) Motorcycles with sidecar, \$5.

~~[(d) Motor vehicles used exclusively for exhibition and parade purposes and more than 25 years old, \$1.]~~

~~[(e)]~~ (d) Motor vehicles or motor trucks commonly known as disaster units which, when in use, are manned by volunteers, which are operated without profit, which are not licensed under ORS 481.125, and which are used for disaster and emergency relief only, \$1.

- (4) (a) Any motor vehicle at least one-half the age of the automobile manufacturing industry in the United States, such industry defined as having begun in the year 1900, which is maintained as a collectors' item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property may be issued a permanent license valid for the life of such motor vehicle.

(b) The fee for the permanent license provided for in paragraph (a) of this subsection shall be \$10.

Section 5. ORS 481.215 is amended to read:

481.215. (1) Annual license fee for trailers (other than house trailers, bus trailers and truck trailers) that are for hire and are equipped with pneumatic tires is \$10.

- (2) Except as to trailers for hire and house trailers, no license fee is required for trailers equipped with pneumatic tires, ~~[weighing not more than 750 pounds and carrying a load weighing not more than 1,000 pounds]~~ and having a combined weight of not more than 1,800 pounds.

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Section 6. ORS 481.220 is amended to read:

- 481.220. (1) At the time of making application for a license to operate a motor truck, truck tractor, truck trailer, semitrailer, armored car, wrecker, tow car, ~~self propelled mobile crane,~~ hearse or ambulance, or whenever such a vehicle has been altered or reconstructed, the applicant shall furnish to the department, for the purpose of enabling it to compute the fee to be paid by the applicant, a written declaration of the combined weight of the vehicle.
- (2) At the time of making application for a *farm truck license under ORS 481.225 or for a license to operate a motor bus or bus trailer*, or whenever such a vehicle has been altered or reconstructed, the applicant shall furnish to the department, for the purpose of enabling it to compute the fee to be paid by the applicant, a certificate of the light weight of such vehicle, and *in the case of a motor bus or bus trailer*, a certificate indicating the number of passengers, including the driver, to be carried thereon. The certificate regarding the light weight is valid only if made with respect to a scale approved by the State Sealer of Weights and Measures or his deputy.
- (3) *At the time of making application for a license to operate a self-propelled mobile crane, or whenever such a vehicle has been altered or reconstructed, the applicant shall furnish to the department, for the purpose of enabling it to compute the fee to be paid by the applicant, a certificate of the combined weight of such vehicle. The certificate regarding the weight is valid only if made with respect to a scale approved by the State Sealer of Weights and Measures or his deputy.*

Section 7. ORS 481.230 is amended to read:

- 481.230. (1) Upon the filing of an application for registration and the payment of the license fee, the department shall, in the absence of just cause for refusing to grant a license to such applicant, assign to the vehicle a distinctive number or other distinctive means of identification and, without expense to the applicant, issue and deliver to the owner two number plates bearing the same number, or two identification plates bearing the same characters, except that:
- (a) Only one such plate shall be issued for a motorcycle or for any trailer or semitrailer licensed under this chapter, including, but not limited to, those described in ORS 481.045 and 481.060.

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481.230 (continued)

- (b) ~~[[Insert plates]]~~ *Stickers* as authorized by ORS 481.235 ~~[[, or windshield stickers as authorized by ORS 481.265,]]~~ may be issued in lieu of new plates upon renewal of registration.
- (2) The department shall furnish for each vehicle registered, a registration card, which shall contain upon its face the following data:
- (a) The name of the registered owner of the vehicle.
 - (b) The owner's post-office address and the name of the county in which he resides or conducts his business.
 - (c) The make of the vehicle.
 - (d) The year or model.
 - (e) The model or letter designated by the manufacturer.
 - (f) The manufacturer's serial number, ~~[[if any.]]~~ *I. D. number or engine number as denoted by the certificate of title issued for the vehicle.*
 - ~~[[g]]~~ ~~[[The engine number as denoted by the certificate of title issued for the vehicle.]]~~
 - ~~[[h]]~~ (g) The number of the certificate of title issued for the vehicle.
 - ~~[[i]]~~ (h) The registration or license number and date of issuance of the registration card.
 - ~~[[j]]~~ (i) The combined weight of the vehicle.
- ~~[[3]]~~ ~~[[In case of motorcycles the manufacturer's serial number shall be stated in lieu of the engine number in the registration card.]]~~
- ~~[[4]]~~ (3) The registration card shall contain a blank space for the signature of the registered owner and shall be signed with ink by such owner immediately upon receipt.
- ~~[[5]]~~ (4) Every owner, upon receipt of a registration card, shall securely fasten it in plain sight within the driver's compartment of the vehicle for which such card was issued, or in the event the vehicle is a motorcycle, trailer or semi trailer, shall fasten the card thereto in plain sight or carry the card in the tool bag or other convenient receptacle attached to the vehicle.

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Section 8. ORS 481.235 is amended to read:

- 481.235 (1) Except as otherwise provided in this section ~~and in subsection (3) of ORS 481.265~~, the number plates or identification plates assigned as provided in ORS 481.230 shall remain with the vehicle for the period of registration mentioned in the application therefor.
- (2) The department may select permanent number of identification plates consisting of a main plate and a yearly ~~insert plate~~ *sticker* bearing the last two numbers of the year for which the license is issued, in which event the main number of identification plate assigned, or the numerals, letters or characters thereon, shall remain with the vehicle as long as the vehicle is required to be licensed in this state, and the yearly ~~insert plate~~ *sticker* shall remain with the vehicle for the period of registration mentioned in the application therefor.
- (3) The department may allow registration plates to be transferred to another vehicle upon receipt of an application therefor, together with a fee of \$5, this fee to be in addition to the regular registration fee.
- (4) (a) In the event of the loss, destruction or mutilation rendering illegible a number, identification or yearly ~~insert plate~~ *sticker*, the owner of a registered vehicle to which the plate is assigned shall ~~obtain from~~ *apply to* the department ~~for a duplicate thereof~~ *upon filing in the office of the department*, ~~on~~ *upon* forms prepared by it, ~~an application showing~~ *stating* the fact ~~and the payment of~~ *together with* a fee of \$1 per number or identification plate, or 50 cents per ~~insert plate~~ *sticker*.
- (b) *The department may, in lieu of duplicates, assign and issue new number or identification plates, stickers or both by the set, the fee to be charged therefor being the same as that which would be required for the duplicates applied for. The duplicates or new sets issued shall be valid only for the period assigned to the plates and stickers which they replace.*

Section 9. ORS 481.260 is amended to read:

- 481.260. (1) (a) Persons designated by the department under ORS 481.105 to accept applications for the registration of motor vehicles are authorized to issue temporary permits for the operation of motor vehicles pending the receipt of permanent license plates from the department. Forms for such temporary permits and applications therefor shall be prescribed and furnished by the department. *Except as provided in paragraph (b) of this subsection,* ~~The~~ temporary permits shall be such as may be affixed to the glass windshield of a motor vehicle and they shall not be valid unless so affixed at the time of issuance.

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(b) *In the event the vehicle is a motorcycle, trailer or semitrailer, temporary permits shall be valid when fastened thereto in plain sight or carried in the tool box or other convenient receptacle attached to the vehicle.*

(2) The temporary permits or windshield stickers shall bear consecutive numbers and be registered in the office of the person who issues the permit. The register shall show the name and address of the applicant, name of maker of motor vehicle, engine number and the date of application. This information shall be forwarded to the department promptly by the person issuing the permit, for the purpose of identification.

(3) Temporary permits or windshield stickers are to remain on and upon the motor vehicle only during the period of such registration and until the receipt of the permanent license plates.

(4) A fee of 25 cents shall be charged for the issuance of a permit under this section by each person referred to under subsection (2) of ORS 481.105 to cover the expense of issuing such permits. These fees, if collected by:

(a) A county sheriff or county clerk shall be accounted for as are other fees collected by such officers and shall be paid to the county treasurer and credited to the general fund.

(b) A police officer or city recorder shall be accounted for as are other fees collected by such officers and shall be paid to the city treasurer.

(c) Any other person who is not a county or city officer or employee may be retained by such person as compensation for his services under this section.

Section 10. ORS 481.272 is amended to read:

481.272. (1) Fixed load vehicles are not exempted from ad valorem taxation by ORS 481.270.

(2) As used in this ~~section~~ chapter, "fixed load vehicles" means vehicles with or without motive power, that are neither designed nor used primarily for the transportation of persons or property over public highways or streets. As used in this subsection, "property" does not include a permanent load in the form of any equipment or appliance constructed as a part of or permanently attached to the body of the vehicle nor does "property" include any equipment or appliance that is ordinarily kept on or in the vehicle in order that the vehicle may be used for its primary purpose.

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- (3) For the purposes of this section, "fixed load vehicles" include air compressors, air drills, asphalt plants, asphalt spreaders, bituminous plants, bituminous mixers, bituminous spreaders, bucket loaders, cement batch plants, cement mixers (other than transit mix), cement spreaders, carryalls, crawler cranes, crushers and crushing plants, diggers and ditchers, power units and plants, earthmoving scrapers, electric generating equipment, electric loadbank and wiring equipment, lighting plants and portable wiring, front-end loaders, scoopmobiles, payloaders, skip hoists, power hoists, road graders, motor graders, leveling graders, stackers, hoists, tower-mobiles, pavement finishers (bituminous and cement), power shovels, back hoes, drag lines, mixmobiles, portable shops, office trailers, portable parts and storage bins, portable bins, portable storage tanks, fork lift trucks, atthey wheels, log loaders, yarders, welders, road rollers, sheepsfoot rollers, paving mixers, elevator equipment, tractors other than truck tractors (wheeled and crawler), traction engines, bituminous and cement finishing machines, scarifiers and rooters, vibro screens, rotary screens, scrubber screens, sand classifiers and drags, plate feeders, apron feeders, implements of husbandry, scrap metal bailers, grain griners, grain rollers, sawmills and special construction equipment. The enumeration in this subsection merely illustrates some of the vehicles that are included within the term "fixed load vehicles" and shall not operate to exclude other vehicles that are within the purview of the term "fixed load vehicles" as defined in subsection (2) of this section.
- (4) As used in this section, "fixed load vehicles" do not include house trailers, tow cars (including tow cars with cranes, hoists or dollies), ~~for~~ truck-mounted transit mixers, *or self-propelled mobile cranes.*
- (5) Nothing in this section is intended to authorize or require the registration or licensing of fixed load vehicles under this chapter unless such fixed load vehicles are otherwise authorized or required by this chapter to be so registered or licensed.

Section 11. ORS 481.405 is amended to read:

- 481.405. (1) In the event of the transfer in this state of the ownership (other than a transfer of the interest of the legal owner or mortgagee *or of a leasehold interest as specified in subsection (3) of this section*), of a motor vehicle, trailer or semitrailer for which a certificate of title has been issued under ORS 481.110, the owner shall indorse on the back of such certificate an assignment thereof, with warranty of title in a form printed thereon and a statement of all encumbrances on the vehicle. Except as provided in subsection (2) of this section, the purchaser shall sign the

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481.405 (continued)

certificate in a space provided thereon, and the transferee and the holder of the certificate of title shall, within 10 days after the transfer, present the certificate to the department, accompanied by a fee of \$2, whereupon a new registration card shall be issued and delivered to the assignee, and a new certificate of title shall be issued to the assignee, and delivered to the legal owner or mortgagee, if there is a legal owner or mortgagee, otherwise to the assignee.

- (2) If the purchaser is a licensed dealer, the transferor shall merely indorse the certificate of title, and the dealer shall not be required to present such registration card and certificate of title to the department until he sells the vehicle. However, the dealer immediately shall notify the department that the vehicle has been transferred to him. Upon the sale of the vehicle by the dealer, he shall deliver to the transferee the assigned certificate of title, received by him. The transferee shall sign the certificate and forward it to the department, together with the fee of \$2, whereupon the department shall issue a new registration card and deliver it to the purchaser, and shall issue a new certificate of title in the name of the purchaser and deliver it to the legal owner or mortgagee, if there is a legal owner or mortgagee, otherwise to the purchaser.
- (3) *Commercial vehicles for which Oregon certificates of title have been issued and which are operated in recognized fleets of commercial vehicles, pursuant to ORS 481.160, are exempted from the requirements of this section when the transfer involved is of a leasehold interest for the purposes herein described. In lieu of such requirements the lessee shall furnish the department satisfactory proof of lease.*

Section 12. ORS 481.430 is amended to read:

- 481.430.
- (1) Before any person shall wreck, dismantle or dis-assemble any motor vehicle, or substantially alter its form, he shall give notice in writing of his intention to do so within seven days of the date he received ownership of the vehicle to the department, upon forms to be furnished by the department.
 - (2) Upon the ~~[transfer of a motor vehicle engine or motor, except a new engine or motor, transferred with intent that it be installed in a new motor vehicle, and whether such transfer be made by a manufacturer or dealer or otherwise, the transferor shall within three days after the transfer, file with the department, upon a blank to be furnished by the department, a notice or report containing the date of the transfer, a description of the engine or motor including the maker's number, and the name and post office address of the purchaser, lessee or other transferee.]~~ *installation of a*

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481.430 (continued)

different engine into a motor vehicle which is registered with the department by engine number, the owner of such vehicle shall within three days thereafter deliver or mail to the department the registration card and certificate of title of such vehicle in order that correction may be made to reflect the proper numbers.

- (3) Upon transfer of a wrecked or dismantled vehicle by a wrecker licensed under this chapter, he shall immediately file with the department, upon a form to be furnished by the department, a notice, statement or report containing the date of the transfer, a description of the vehicle, the name and address of the purchaser, and other information respecting the vehicle required by the department.

Section 13. ORS 481.472 is amended to read:

- 481.472. (1) When a person described in subsections (1) to (4) of ORS 307.250 was not allowed an exemption under ORS 307.250 during the ~~[last]~~ *current* calendar year, upon his compliance with subsections (2) to (4) of this section the annual license fee of a house trailer that he owns and uses as his dwelling shall be reduced by \$100 or by the amount of the license fee, whichever is less, provided he has not received a reduction on another house trailer at any time during the last 12 months.
- (2) To qualify for the reduction under subsection (1) of this section, the eligible owner shall file with the application for registration prescribed in ORS 481.105, on forms supplied by the Department of Motor Vehicles, a written claim for reduction with the owner's affidavit that the statements contained in the claim are true.
- (3) A claim for reduction by an owner described in subsection (2) of ORS 307.250 shall include the certificate of disability, or a certified copy thereof, last issued by the United States Veterans' Administration or by the branch of the Armed Forces of the United States, as the case may be, and dated within three years before the beginning of the license year for which the reduction is claimed.
- (4) A claim for reduction by an owner described in subsection (3) of ORS 307.250 shall include the certificate of disability, or a certified copy thereof, described in that subsection and a statement of the total gross income received by the owner from all sources during the last calendar year.

SECTION 14. Any violation of subsection (3) of ORS 481.150, as amended by section 3 of this 1963 Act, is punishable upon conviction by a fine of not more than \$50.

Approved by the Governor May 29, 1963.

Filed in the office of Secretary of State May 29, 1963.

CHAPTER 406

AN ACT

Relating to penalty for extortion; amending ORS 163.480.

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

Section 1. ORS 163.480 is amended to read:

163.480. Any person who verbally or by any written or printed communication, threatens any injury to the person or property of another, or that of any person standing in the relation of parent or child, husband or wife, or sister or brother to the other person, or threatens to accuse another of any crime with intent thereby to extort any pecuniary advantage or property from him, or with intent to compel him to do any act against his will, shall be punished upon conviction by imprisonment in the penitentiary for not more than ~~[two]~~ 10 years, or by imprisonment in the county jail for not ~~[less than three months nor]~~ more than one year.

Approved by the Governor May 29, 1963.

Filed in the office of Secretary of State May 29, 1963.

CHAPTER 430

AN ACT

Relating to financial responsibility; amending ORS 486.021, 486.031, 486.041, 486.106 and 486.276; and declaring an emergency.

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

Section 1. ORS 486.021 is amended to read:

486.021. Within 60 days following notice to the department of an accident originating from the operation of a vehicle upon any highway within this state which has resulted in damage to property or injury or death to person, the driver and owner of ~~such vehicle~~ a vehicle which is in any manner involved shall except as hereinafter provided:

- (1) Pay and deliver to the department a security deposit when ordered to do so in such sum of money which is sufficient in the opinion of the department to satisfy any judgments for damages resulting from such accident as may be recovered from such driver or owner, but in no case less than \$100; and
- (2) File with the department and thereafter maintain for a period of five years proof of future responsibility.

Section 2. ORS 486.031 is amended to read:

486.031. Exemption from the security deposit requirements of this chapter shall be made and shall be granted in the following cases where proof of the right to exemption is submitted to the department in such form and in such detail as it shall require:

- (1) Exemption shall be granted to both the driver and to the owner if:
 - (a) The driver at the time of the accident was operating a vehicle owned by or leased by and operated under the direction of the United States, this state, or any municipality or political subdivision of this state.
 - (b) No injury or damage was caused in the accident to the person or to the property of anyone other than such driver or his employer;
 - (c) His vehicle at the time of the accident was parked, unless it was parked at a place where such parking was prohibited;
 - (d) Such liability as may arise from the driver's operation of the vehicle involved in the accident was covered by some form of liability insurance or bond which complies with the requirements of this chapter; or

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486.031 (continued)

(e) The owner of the vehicle involved in the accident was a self-insurer.

(2) Exemption shall be granted to a person if:

(a) At the time of the accident his vehicle was being operated or had been parked by a bailee for hire or by a person not his agent, employee or a member of his family.

(b) At the time of the accident his vehicle was being operated without his permission, expressed or implied, or was parked by a person who had been operating such vehicle without his permission *unless the vehicle at the time of its taking had been left unattended in a condition prohibited by a regulation or ordinance designed to prevent the operation of vehicles by unauthorized persons.*

(c) He is released from liability by all other persons injured or damaged in the accident. The department may accept for the purposes of this chapter evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of a minor without the approval of any court or judge.

(d) There has been a final adjudication of nonliability in respect to such person as to all claims arising out of the accident.

(e) Payment for damage and injuries has been made to such person by or in behalf of the other party to the accident.

(f) At the time of the accident he was operating the vehicle under a permit issued by the Public Utility Commissioner of Oregon.

(g) He files with the department evidence establishing that he is a party to a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident.

Section 3. ORS 486.041 is amended to read:

486.041. Both the driver and the owner are exempt from the requirement of this chapter that proof of future responsibility be given if the person claiming exemption furnishes to the department proof that:

(1) At the time of the accident the driver was operating a vehicle owned by or leased to and operated under the direction of the United States of America, this state or any municipality or subdivision thereof;

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486.041 (continued)

- (2) At the time of the accident the vehicle was lawfully parked;
- (3) Such liability as may arise from the driver's operation of the vehicle involved in the accident was covered by some form of liability insurance or bond which complies with the requirements of this chapter;
- (4) The owner of the vehicle involved in the accident was a self-insurer under the provisions of this chapter; ~~for~~
- (5) The vehicle involved in the accident was being operated under a permit issued by the Public Utility Commissioner of Oregon ~~for~~; or
- (6) *At the time of the accident his vehicle was being operated without his permission, expressed or implied, or was parked by a person who had been operating such vehicle without his permission unless the vehicle at the time of its taking had been left unattended in a condition prohibited by a regulation or ordinance designed to prevent the operation of vehicles by unauthorized persons.*

Section 4. ORS 486.106 is amended to read:

- 486.106.
- (1) The driver of a vehicle which is in any manner involved in an accident upon any highway within this state, which has resulted in damage to the property or in bodily injury to or death of any person, shall, within 24 hours after such accident, report it to the department on a form furnished by it.
 - (2) *The form of accident report required under subsection (1) of this section shall contain information sufficient to enable the department to determine whether the requirements for the deposit of security or the filing of proof of future responsibility under this chapter are inapplicable by reason of the existence of some form of liability insurance which complies with the requirements of this chapter.*
 - (3) *The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance unless and until the department has reason to believe that the information is erroneous.*

Relating to financial responsibility

Section 5. ORS 486.276 is amended to read:

486.276. A discharge in bankruptcy ~~[following the rendering of any judgment]~~ shall not relieve ~~[the judgment debtor]~~ any person from any of the requirements of this chapter.

SECTION 6. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage.

Approved by the Governor May 31, 1963.

Filed in the office of Secretary of State May 31, 1963.

CHAPTER 448

AN ACT

Relating to traffic offenses, including arrest and citation; creating new provisions; and amending ORS 133.310.

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

Section 1. ORS 133.310 is amended to read:

133.310. A peace officer may arrest a person without a warrant:

- (1) For a crime committed or attempted in his presence;
- (2) When the person arrested has committed a felony, although not in his presence;
- (3) When a felony has in fact been committed *or a major traffic offense, as defined in subsection (5) of ORS 484.010, has been committed,* and he has reasonable cause for believing the person arrested to have committed it; or
- (4) When he is notified by telegraph, telephone, radio or other mode of communication by another peace officer of ~~[this]~~ *any* state that such peace officer holds in his hands a duly issued warrant for the arrest of such person charged with a crime committed within his jurisdiction.

SECTION 2. Section 3 of this Act is added to and made a part of ORS chapter 484.

SECTION 3. When a police officer at the scene of a traffic accident has, based upon his personal investigation, reasonable grounds to believe that a driver of a vehicle involved in the accident has, in connection with the accident, committed a traffic offense, the police officer may issue to the driver a citation for that offense without making an arrest. This authority is in addition to any other authority to issue a citation for a traffic offense.

Approved by the Governor June 4, 1963.

Filed in the office of Secretary of State June 4, 1963.

CHAPTER 467

AN ACT

(Continued)

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous; and appropriating money.

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

SECTION 1. As used in this Act, unless the context otherwise requires:

(1) "Sexually dangerous person" means one, not insane, who by a course of repeated misconduct in sexual matters has evidenced such lack of power to control his sexual impulses as to be dangerous to other persons of the age of 12 or under because he is likely to attack or otherwise inflict injury or pain on the objects of his desire.

(2) "Patient" means a person with respect to whom there has been filed with the clerk of the circuit court a complaint in writing setting forth facts tending to show that such a person is a sexually dangerous person or a person who has voluntarily filed an application for commitment as a sexually dangerous person pursuant to section 15 of this Act.

(3) "Qualified psychiatrist" means a physician licensed by the State Board of Medical Examiners to practice medicine in this state who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than five years.

SECTION 2. Whenever, upon the presentation of facts showing good cause for judicial inquiry, it shall appear to the district attorney that any person is a sexually dangerous person, the district attorney may file with the clerk of the circuit court a complaint in writing setting forth the facts tending to show that such a person is a sexually dangerous person.

SECTION 3. Upon the filing of a complaint under section 2 of this Act, the judge of any circuit court in this state shall cause the patient to be brought before him at such time and place as the judge may direct, by the issuance of a citation to the patient stating the nature of the information filed concerning him. If necessary for good cause shown, the judge may issue a warrant of detention to the sheriff of the county, directing the officer to take such patient into custody and produce him at the time and place stated in the warrant. In executing the warrant of detention, the sheriff has all the powers provided by ORS 133.280 and 133.290, and may require the assistance of any peace officer or other person.

SECTION 4. (1) The citation shall be served on the patient by the sheriff of the county by delivering a duly certified copy of the original thereof to the patient in person. The officer serving the citation

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

SECTION 4. (continued)

shall, immediately after service thereof, make a return upon the original citation showing the time, place and manner of such service and file it with the clerk of the court.

- (2) If the patient upon whom a citation is personally served pursuant to subsection (1) of this section shall fail to appear at the time and place specified in the citation, the judge of the circuit court issuing such citation shall issue a warrant of detention to the sheriff of the county, directing the officer to take such patient into custody and produce him at the time and place stated in the warrant.

SECTION 5. If, in addition to the citation, a warrant of detention is issued by the judge of any circuit court, the officer serving the warrant of detention shall, immediately after service thereof and the taking of the patient into custody, make a return upon the original warrant showing the time, place and manner of such service. The procedures established pursuant to ORS chapter 133 shall be applicable, as if the warrant were a warrant of arrest and the charge one of a felony, in all instances where there is no conflict with specific provisions of this Act.

SECTION 6. (1) Any patient or sexually dangerous person held in physical custody pursuant to the authority granted by this Act, other than in a facility designated under section 17 of this Act, shall be confined in a cell or place not then used for the incarceration of those held under criminal proceedings.

- (2) Any such patient or sexually dangerous person so held in physical custody shall be confined with an attendant in direct charge of him; and, if not confined in a county hospital, the sheriff having such person in his custody shall select some suitable person to act as attendant.

SECTION 7. Any patient taken into custody by the issuance of a warrant of detention pursuant to section 3 or 4 of this Act, shall be entitled to release pending the proceedings under sections 1 to 15 of this Act upon his own recognizance at the discretion of the judge issuing the warrant, or shall be entitled to post bond to secure his appearance at the time and place specified in the warrant in the same manner as a person admitted to bail under the provisions of ORS 140.010 to 140.200.

SECTION 8. (1) A patient shall have the right to be personally present and have the assistance of counsel at every stage of the proceedings under sections 1 to 15 of this Act.

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

SECTION 8. (Continued)

(2) Suitable counsel for a patient shall be appointed by the circuit court pursuant to subsection (1) of this section if:

- (a) The patient requests aid of counsel;
- (b) The patient makes a verified financial statement and provides any other information as to his ability to obtain counsel; and
- (c) It appears the patient is without means and unable to obtain counsel.

SECTION 9. Upon completion of all services by any attorney or attorneys assigned to represent a patient under section 8 of this Act, the attorney or attorneys shall submit to the court an affidavit containing an accurate statement of all reasonable expenses of investigation and preparation paid or incurred, supported by appropriate receipts or vouchers. The court shall thereupon enter an order for a reasonable attorney fee, directing the county to pay to such attorney or attorneys the amount of the fee plus the expenses, or such portion thereof as may be approved by the court.

SECTION 10. (1) After personal appearance of the patient pursuant to the citation issued by the judge and advice as to the patient's right to counsel, the judge of the circuit court shall set a time certain for a hearing to determine the truth of facts stated in the complaint.

(2) Pursuant to such hearing, the jury, or the judge if the jury is not requested, shall issue a special verdict in the manner established by ORS 136.630.

SECTION 11. (1) If the court thereupon finds as a matter of law that the facts found in the special verdict are insufficient to support a judgment that the patient is a sexually dangerous person the proceeding shall be dismissed. Otherwise the court shall commit the patient to the facility designated under section 17 of this Act. Such commitment shall be for observation and report for a period of not less than 30 days nor more than 45 days. The superintendent shall appoint two qualified psychiatrists to make a personal examination of the patient, based upon the facts presented in the special verdict. The patient and his counsel shall be advised of the name and address of each psychiatrist so appointed and a date certain by which personal examinations of the

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

SECTION 11. (Continued)

patient are to be completed. The patient shall be required to answer questions asked by the psychiatrists under penalty of contempt of court. Each psychiatrist shall file with the court a written report of the examination, which shall include a statement of his conclusion as to whether the patient is a sexually dangerous person.

(2) Unless, in their reports filed pursuant to subsection (1) of this section, both psychiatrists state that the patient is not a sexually dangerous person, the court shall conduct a hearing in the manner provided in section 12 of this Act, to determine whether the patient is a sexually dangerous person. If, on the basis of the reports filed, the court is not required to conduct such a hearing, the court shall enter an order dismissing the complaint filed under section 2 of this Act, to determine whether the patient is a sexually dangerous person.

(3) Counsel and psychiatrists for the patient shall have the right to inspect the reports of the examination of the patient. No such report, no evidence resulting from the personal examination of the patient and no finding of any special verdict under this Act, shall be admissible against him in any judicial proceeding except a proceeding under sections 1 to 15 of this Act to determine whether the patient is a sexually dangerous person.

SECTION 12. (1) Upon the evidence introduced at a hearing held for that purpose, the court shall determine whether or not the patient is a sexually dangerous person.

(2) If the patient is determined to be a sexually dangerous person by the court, the court shall:

(a) Commit him to the state institution designated by the Oregon State Board of Control to receive such commitments, for medical or mental therapeutic treatment; or

(b) Release him subject to such conditions, if any, as the court may at its sound discretion impose, including the condition that the patient receive out-patient treatment.

(3) The court may, in considering the action to be taken, order and utilize a report from the probation officer.

(4) Appeals may be taken as in other civil cases.

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

- SECTION 13. (1) A hearing held pursuant to sections 10 and 12 of this Act, shall be a private hearing and conducted without a jury unless, at least five days before the date set for such hearing, a jury or public hearing, or both, are demanded by the patient.
- (2) The patient shall have process for the production of witnesses on his behalf. He shall also have the right to present evidence, including the testimony of qualified psychiatrists of his own choice, who shall be allowed to observe and consult with the patient at all reasonable times and places. The rules of evidence applicable in judicial proceedings in court shall be applicable to hearings held pursuant to sections 10 and 12 of this Act. However, notwithstanding any such rule:
- (a) No minor shall be considered an accomplice.
 - (b) An allegation of fact need only be supported by clear and convincing evidence.
 - (c) Evidence of conviction of any number of crimes the commission of which tends to show the patient is a sexually dangerous person and the punishment inflicted therefor shall be admissible at any such hearing.

- SECTION 14. (1) Any patient committed to any appropriate institution within this state under the provisions of sections 1 to 15 of this Act, shall be entitled to reexamination and a hearing for discharge once in every 12 months after the date of original commitment upon the filing of a written petition by the committed patient, his parents, spouse, next of kin or any interest friend. The petition shall be filed in the circuit court from which the patient was committed and a copy of the petition shall be sent to the district attorney of the county where the original proceedings were commenced within 10 days after the petition is filed. The court shall set a date for a hearing which shall be conducted in the same manner as is provided in sections 12 and 13 of this Act.
- (2) Two qualified psychiatrists shall be appointed by the court to examine the patient. Each psychiatrist shall report to the court and such reports shall include a statement as to the progress of the treatment, whether the patient is responding to treatment and a conclusion as to whether the patient is still a sexually dangerous person.
- (3) Upon a finding by the court that the patient is no longer a sexually dangerous person, the court shall order the patient discharged.

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

- SECTION 15. (1) The superintendent of any state institution designated under section 17 of this Act to receive commitments for medical or mental therapeutic treatment as sexually dangerous persons may admit and treat therein as a patient, for a period of not more than 30 days on the first application or for a period of not to exceed 90 days on any subsequent application, any person who may be a sexually dangerous person and who voluntarily has made written application for such admission.
- (2) No person under the age of 21 years shall be admitted as a voluntary patient to any state facility unless an application therefor has also been executed by his parent, adult next of kin, or legal guardian. No person so admitted to any state institution shall be detained therein more than 10 days after he, if an adult, has given notice in writing of his desire to be discharged therefrom, or, if the patient is a minor, after notice in writing has been given by the minor and by his parent, adult next of kin or legal guardian that such minor be discharged therefrom. No person who accepts treatment as authorized in this section may give such notice within less than 20 days after admission to the institution in case of a first commitment or 80 days after admission in case of any subsequent commitment.
- (3) Any person voluntarily admitted to a state facility pursuant to this section may upon application and notice to the superintendent of the institution concerned, be granted a temporary leave of absence from the institution for a period of 48 hours or less, if such leave, in the opinion of the superintendent, will not interfere with the successful treatment or examination of the applicant.

SECTION 16. Upon recommendation of the superintendent of the state institution designated under section 17 of this Act to receive commitments for medical or mental therapeutic treatment as sexually dangerous persons, a patient may be paroled by the State Board of Parole and Probation. The powers, functions and duties of the State Board of Parole and Probation with regard to inmates of institutions under ORS chapter 144 shall be applicable to and exercised in the same manner and with equal effect regarding persons committed under this Act, except that the provisions of ORS 144.310 shall not apply.

SECTION 17. The Board of Control hereby is directed and authorized to establish and operate a segregated treatment facility within an existing state institution to receive, treat, study and retain in custody as required such sexually dangerous persons as are committed under this Act.

Relating to the civil commitment and treatment of persons adjudged to be sexually dangerous.

SECTION 18. There hereby is appropriated to the Oregon State Board of Control out of the General Fund, for the biennium ending June 30, 1965, the sum of \$136,797 for the purpose of carrying out its functions under this Act, including research into the cause and cure of sexually dangerous activity.

Approved by the Governor June 6, 1963.

Filed in the office of Secretary of State June 6, 1963.

CHAPTER 480

AN ACT

Relating to obscene matters; amending ORS 167.151

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

Section 1. ORS 167.151 is amended to read:

- 167.151. (1) No person shall knowingly disseminate obscene matter. A person disseminates obscene matter if he *exhibits*, sells, delivers or provides, or offers or agrees to *exhibit*, sell, deliver or provide any obscene writing, picture, *motion picture*, device, record, *material* or other representation or embodiment of the obscene.
- (2) As used in subsection (1) of this section, matter is obscene if, considered as a whole, its predominant theme appeals to prurient interest and *if it is patently offensive and goes substantially beyond the customary limits of candor in describing or representing such matter with reference to ordinary persons.* ~~[Obscenity shall be judged by applying contemporary standards of the community in which the matter is disseminated, and with reference to ordinary adults, except that it shall be judged with reference to children if it appears from the character of the matter and the circumstances of its dissemination to be specially designed for or directed to children under 18.]~~
- (3) In any prosecution for an offense under this section, evidence shall be admissible, as relevant to a determination of whether or not the predominant theme of the matter appeals to prurient interest, to show artistic, literary, scientific or educational merit of the matter.
- (4) In any prosecution for a violation of this section, it shall be relevant on the issue of knowledge to prove the advertising, publicity, promotion, method of handling or labeling of the matter, including any statement on the cover or back of any book or magazine.
- (5) Violation of subsection (1) of this section ~~[, if the obscene matter is disseminated to an adult,]~~ is punishable by imprisonment in the county jail for not more than six months, or a fine of not more than \$1,000, or both.
- ~~[(6) Violation of subsection (1) of this section, if the obscene matter is disseminated to a child under the age of 18 years, is punishable by fine of not more than \$1,000, or by imprisonment in the county jail for a period not exceeding one year, or both, or by imprisonment in the penitentiary for a period not exceeding five years.]~~

Approved by the Governor June 6, 1963.

Filed in the office of Secretary of State June 7, 1963.

CHAPTER 496

AN ACT

Relating to procedures affecting children; amending ORS 419.476 and 419.529.

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

Section 1. ORS 419.476 is amended to read:

419.476. (1) The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

- (a) Who has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city; or
- (b) Who is beyond the control of his parents, guardian or other person having his custody; or
- (c) Whose behavior, ~~for~~ condition ~~is~~ or circumstances are such as to endanger his own welfare or the welfare of others; or
- (d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for his best interests; or
- ~~[(d)]~~ (e) ~~Whose~~ Either his parents or any other person having his custody have abandoned him, failed to provide him with the support or education required by law, subjected him to cruelty or depravity or failed to provide him with the care, guidance and protection necessary for his physical, mental or emotional well-being; or

~~[(e)]~~ (f) Who has run away from his home.

(2) The court shall have jurisdiction under subsection (1) of this section even though the child is receiving adequate care from the person having his physical custody.

~~[(2)]~~ (3) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit ~~for~~ involving a child.

Section 2. ORS 419.529 is amended to read:

419.529. (1) Except as provided in this section, the court may modify or set aside any order made by it upon such notice and with such hearing as the court may direct.

Relating to procedures affecting children.

419.529 (continued)

- (2) Except as provided in subsection (3) of this section, notice and a hearing as provided in ORS 419.486 to 419.505 shall be granted in any case where the effect of modifying or setting aside the order will or may be to deprive a parent of the legal custody of the child, to place the child in an institution or agency or to transfer the child from one institution or agency to another. *However, the provisions of this subsection shall not apply to a parent whose rights have been terminated under ORS 419.523 and 419.525 or whose child has been permanently committed by order of the court unless an appeal from such order is pending.*
- (3) Notice and a hearing as provided in subsection (2) of this section are not required where the effect of modifying or setting aside the order will be to transfer the child from one foster home to another.
- (4) No order pursuant to paragraph (a) of subsection (1) of ORS 419.527 may be set aside or modified during the pendency of a proceeding for the adoption of the child, nor after a petition for adoption has been granted.

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 503

AN ACT

Relating to criminal procedure for court-ordered mental examinations; amending ORS 136.150; and declaring an emergency.

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

Section 1. ORS 136.150 is amended to read:

- 136.150. (1) If before or during the trial in any criminal case the court has reasonable ground to believe that the defendant, against whom an indictment has been found or any information filed, is insane or mentally defective to the extent that he is unable to understand the proceedings against him or to assist in his defense, the court shall immediately fix a time for a hearing to determine the defendant's mental condition. The court may appoint one or more disinterested qualified experts to examine the defendant with regard to his present mental condition and to testify at the hearing. Other evidence regarding the defendant's mental condition may be introduced at the hearing by either party.
- (2) *In the event the court determines that the services of qualified experts in private practice are not available to conduct the examinations referred to under subsection (1) of this section, the court may use the services of one of the outpatient clinics operated by institutions under the supervision of the Oregon State Board of Control. The defendant shall be transported to the proper facility at the expense of the county wherein the original proceeding was commenced. If the person in charge of the outpatient clinic determines that the present mental condition of a particular defendant can be better evaluated by the institution on an in-patient basis, he shall so notify the superintendent who shall notify the court. The defendant shall then be admitted to the institution, unless otherwise ordered by the court. In no case shall a defendant admitted to the institution for evaluation of his present mental condition be detained in excess of 30 days unless a commitment order has been executed by the court.*
- (3) The court shall allow and order the county wherein the original proceeding was commenced to pay:
- (a) A reasonable fee for any examinations made pursuant to subsection (1) of this section; or
 - (b) All costs connected with the examination made pursuant to subsection (2) of this section.

SECTION 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage.

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 510

AN ACT

Relating to the offense of fleeing or attempting to elude a traffic or police officer; creating new provisions; amending ORS 482.430, 484.010 and 486.211; and providing penalties.

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

SECTION 1. Section 2 of this Act is added to and made a part of ORS chapter 483.

- SECTION 2. (1) Any person, while driving a vehicle on any highway in this state, who knowingly flees or attempts to elude any traffic or police officer after having received any signal from a traffic or police officer to bring the vehicle to a stop, shall be punished, upon conviction, by imprisonment in the county or municipal jail for not more than six months, or by a fine of not more than \$2,000, or both. For the purposes of this section, a "police officer" means a member of the Oregon State Police, a sheriff or deputy sheriff, or a city policeman, in appropriate police uniform or who is operating a police vehicle appropriately marked with the customary insignia identifying it as a police vehicle.
- (2) After a traffic or police officer has given any signal to any person driving a vehicle on any highway in this state to bring the vehicle to a stop, the following shall be prima facie evidence of violation of subsection (1) of this section:
- (a) Interfering with or endangering the operation of any police vehicle;
 - (b) Increasing speed; or
 - (c) Extinguishing the vehicle's lights.

Section 3. ORS 482.430 is amended to read:

- 482.430. (1) The department forthwith shall revoke any person's permit or license to operate motor vehicles upon receiving a record of the conviction of such person of any of the following offenses:
- (a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.
 - (b) Perjury or the making of a false affidavit to the department under this chapter or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways.

Relating to the offense of fleeing or attempting to elude a traffic or police officer.

482.430 (continued)

- (c) Any crime punishable as a felony ~~[under the motor vehicle laws of this state or any other felony]~~ in the commission of which a motor vehicle is used.
 - (d) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding 12 months.
 - (e) A conviction of a driver of a motor vehicle involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.
- (2) The department forthwith shall suspend any person's permit or license to operate motor vehicles upon receiving a record of ~~[the conviction of such person of driving while under the influence of intoxicating liquor or narcotic drug. The period of suspension shall be:]~~
- ~~[(a) First conviction, 90 days.]~~
 - ~~[(b) Second conviction, one year.]~~
 - ~~[(c) Third or subsequent conviction, three years.]~~

the conviction of such person for the following offenses:

- (a) *Driving while under the influence of intoxicating liquor or narcotic drug.*
 - (b) *Fleeing or attempting to elude a traffic or police officer.*
- (3) *The period of suspension shall be:*
- (a) *First conviction, 90 days.*
 - (b) *Second conviction, one year.*
 - (c) *Third or subsequent conviction, three years.*

Section 4. ORS 484.010 is amended to read:

484.010. As used in this chapter and ORS 131.365, unless the context otherwise requires:

- (1) "Bail" means money or its equivalent deposited by a defendant to secure his appearance for a traffic offense.

Relating to the offense of fleeing or attempting to elude a traffic or police officer.

Section 484.010 (continued)

- (2) "City court" means a municipal court, whether or not it is exercising authority under the charter or ordinances of a city or as a justice court under the laws of this state.
- (3) "City policeman" includes a city marshal or a member of the police of a city, municipal or quasi-municipal.
- (4) "City traffic offense" means any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation, except ordinances governing parking of vehicles.
- (5) "Major traffic offense" means a violation of any of the following provisions of law or a city ordinance conforming thereto:

~~[(a) Negligent homicide, as defined in ORS 163.091.]~~

~~[(b)]~~ (a) Reckless driving, as defined in subsection (1) of ORS 483.992.

~~[(c)]~~ (b) Driving while under the influence of intoxicating liquor, barbiturates or narcotic drugs, as defined in subsection (2) of ORS 483.992.

~~[(d)]~~ (c) Failure to perform the duties of a driver involved in an accident or collision, as defined in subsections (1) and (2) of ORS 483.602 and ORS 483.604, *which would be punishable under subsection (1) of ORS 483.990.*

~~[(e)]~~ (d) Operating a motor vehicle while the operator's or chauffeur's license is suspended or revoked, as defined in ORS 482.650.

(e) *Fleeing or attempting to elude a traffic or police officer, as defined in subsection (1) of section 2 of this 1963 Act.*

- (6) "Police officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff and a city policeman.
- (7) "State court" means a circuit, district or justice court or magistrate.
- (8) "State traffic offense" ~~[includes:]~~ *means a violation of any provision of law for which a misdemeanor penalty is provided in ORS chapter 481, 482, 483, 485, 486 or 767.*

Relating to the offense of fleeing or attempting to elude a traffic or police officer.

Section 484.010 (continued)

~~[(a) A violation of ORS 164.650, 164.660, 166.630 or 649.080.]~~

~~[(b) A violation of any provision of law for which a penalty is provided in ORS chapter 481, 482, 483, 485, 486 or 767.]~~

~~[(c) Any other violation of a motor vehicle law of this state, including major traffic offenses mentioned in paragraphs (a) to (c) of subsection (5) of this section.]~~

- (9) "Traffic offense" includes an offense mentioned in subsections (4), (5) and (8) of this section.

Section 5. ORS 486.211 is amended to read:

486.211. The department shall revoke or suspend the license and the vehicle registration for all vehicles of any person who:

- (1) Fails to make the reports to the department as required of him by this chapter.
- (2) Fails to pay to the department the amount of security deposit required of him under this chapter within 10 days after notice to do so.
- (3) Fails to file with the department proof of future responsibility when such proof is required of him by this chapter.
- (4) Has been convicted in any municipal, justice, county, district or circuit court of this state, or by a court of competent jurisdiction of any state, of one of the following offenses or has forfeited bail on account of one of such offenses:
 - (a) Manslaughter or negligent homicide resulting from the operation of a vehicle.
 - (b) Perjury or the making of a false affidavit to the department under any law of this state requiring the registration of vehicles or regulating their operation on highways.
 - (c) Any crime punishable as a felony ~~[under the motor vehicle laws of this state or any other felony]~~ in the commission of which a vehicle is used.
 - (d) Three charges of reckless driving all within the preceding 12 months.

Relating to the offense of fleeing or attempting to elude a traffic or police officer.

486.211 (continued)

- (e) Failing to stop and disclose his identity at the scene of an accident resulting in the death of or injury to another person.
 - (f) Driving any vehicle upon any highway, while being an habitual user of narcotics ~~for while intoxicated~~ or while under the influence of narcotics, drugs or intoxicating liquor.
 - (g) Taking a motor vehicle without the owner's consent.
 - (h) *Attempting to flee or elude a traffic or police officer, as prohibited by section 2 of this 1963 Act.*
- (5) Fails to satisfy a judgment rendered against him within 60 days after its entry.

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 511

AN ACT

Relating to criminal procedure; creating new provisions; and amending ORS 133.610.

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

Section 1. ORS 133.610 is amended to read:

133.610. When the defendant is brought before a magistrate upon an arrest, either with or without warrant, on a charge of having committed a crime, *before any further proceedings are are had* the magistrate shall immediately inform him of the charge against him, ~~and~~ of his right to the aid of counsel, ~~before any further proceedings are had~~ *that he is not required to make a statement and that any statement made by him may be used against him.*

SECTION 2. Evidence obtained directly or indirectly as a result of failure of a magistrate to comply with ORS 133.610 shall not be admissible before the grand jury or, over the objection of the defendant, in any court.

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 513

AN ACT

Relating to offenses against children under 16, including but not limited to jurisdiction of trial courts; amending ORS 46, 040, 51.050 and 167.055.

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

Section 1. ORS 167.055 is amended to read:

167.055. *Notwithstanding any city charter, ordinance or statute conferring jurisdiction in criminal cases on municipal courts or statutes conferring jurisdiction in criminal or quasi-criminal cases on justice of peace courts and district courts, in all cases of offenses against children under 16 years of age the circuit courts of this state shall have exclusive original trial jurisdiction except in those cases where the defendant is subject to the exclusive original jurisdiction of the juvenile court or domestic relations court.*

~~[The circuit courts of this state shall have exclusive original jurisdiction of all crimes involving offenses against children under 16 years of age punishable under ORS 167.035 and repeated offenses against children under 16 years of age, punishable under ORS 167.145, 167.165 or 167.210.]~~

Section 2. ORS 46.040 is amended to read:

46.040. Except as is otherwise provided in ORS 3.150 and 167.055, district courts shall have the same criminal and quasi-criminal jurisdiction as justices' courts, and shall have concurrent jurisdiction with the circuit courts of all misdemeanors committed or triable in their respective counties where the punishment prescribed does not exceed one year's imprisonment in the county jail or a fine of \$3,000, or both such fine and imprisonment.

Section 3. ORS 51.050 is amended to read:

51.050. *Except as otherwise provided in ORS 167.055, in addition to the criminal jurisdiction of justices' courts already conferred upon and exercised by them, justices' courts have jurisdiction of all misdemeanors committed or triable in their respective counties, where the punishment prescribed does not exceed three months' imprisonment in the county jail, or a fine of not more than \$100.*

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 524

AN ACT

Relating to the liability of owners or possessors of land used for recreational purposes. (NEW LAW)

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

- SECTION 1. (1) Except as provided by subsection (2) of this section, when the owner or person in possession of land which may be used for recreational purposes, including but not limited to hunting, fishing, trapping, camping or hiking, has granted permission to any person to enter upon or use the land for recreational purposes, neither the owner nor the person in possession of the land shall be liable for the injury, death or loss sustained by any person entering upon or using the land for recreational purposes, resulting from the condition, structures or activities on or uses of the land or as a result of an act or omission of the owner or person in possession of the land.
- (2) Subsection (1) of this section is not intended to limit the duty owned by or liability of an owner or person in possession of the land:
- (a) When there has been a direct business benefit conferred to the owner or person in possession of the land as a substantial motivating factor in the grant of permission for entry or use of the land for recreational purposes.
 - (b) In cases of wilful or wanton misconduct of the owner or possessor of the land.
 - (c) Where an affirmative obligation exists dependent upon a relationship other than that arising from the entry or use of the land for recreational purposes.
- (3) This section is not intended to apply to or affect the so-called doctrine of attractive nuisance.
- SECTION 2. As used in section 1 of this Act, "owner or person in possession" does not include a governmental body or political subdivision or a public corporation.

Approved by the Governor June 12, 1963.

Filed in the office of Secretary of State June 12, 1963.

CHAPTER 547

AN ACT

Relating to crime reports; creating new provisions; amending ORS 181.010, 181.020 and 181.070; repealing ORS 169.510, 169.520 and 181.060; appropriating money; and declaring an emergency.

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

Section 1. ORS 181.010 is amended to read:

181.010. As used in ORS 181.010 to 181.420, unless the context requires otherwise:

- (1) "Bureau" means the central bureau of criminal identification.
- (2) "Crime for which a report is required" means:
 - (a) All felonies; and
 - (b) Any misdemeanor or other offense or violation of a city ordinance any element of which involves sexual conduct prohibited by law; and
 - (c) Any misdemeanor or other offense or violation of a city ordinance of which involves the use or sale of narcotic drugs as defined in ORS 474.010 or dangerous drug described in ORS 475.100.
- ~~[(1)]~~ (3) "Department" means the Department of State Police.
- ~~[(2)]~~ (4) "Deputy superintendent" means the Deputy Superintendent of State Police.
- (5) "Law enforcement agency" means all sheriffs, police departments and other peace officers.
- ~~[(3)]~~ (6) "Superintendent" means the Superintendent of State Police.
- (7) "State agency" means the Governor, the Board of Control, the Attorney General, the district attorney of any county of this state, the State Board of Education and the State Board of Higher Education.

SECTION 2. Sections 3 to 7 of this Act are added to and made a part of ORS chapter 181.

SECTION 3. (1) All law enforcement agencies shall, as promptly as possible after the arrest of any person on a charge of a crime for which a report is required, take the fingerprints and photograph of such person and transmit them to the bureau together with the report containing such other information as may be considered necessary or relevant. All law enforcement agencies shall also promptly submit supplemental reports covering the disposition of all cases and crimes about which a report has previously been made.

Relating to crime reports

SECTION 6. (Continued)

- (d) Undertake such other projects as are necessary or appropriate to the speedy and efficient collection and dissemination of information relating to crimes and criminals.

SECTION 7. Notwithstanding the provisions of ORS chapter 192 relating to confidentiality and accessibility for public inspection of public records and public documents, fingerprints, photographs, records and reports compiled under the provisions of sections 3, 4 and 5 of this 1963 Act are confidential and are not accessible for public inspection except as provided in subsection (2) of section 6 of this 1963 Act, or as ordered by a court.

Section 8. ORS 181.020 is amended to read:

181.020. There is established a Department of State Police. The Department of State Police shall consist of a headquarters, and central bureau of *criminal* identification ~~[and information]~~ composed of such administrative and office force and such ~~[captains, lieutenants, sergeants]~~ *officers*, privates and recruits *in grades prescribed by law*, as the Governor and the superintendent ~~[deem]~~ *consider* necessary and expedient, who shall be known as the Oregon State Police.

Section 9. ORS 181.070 is amended to read:

- 181.070. (1) The superintendent may, with the approval of the Governor, and if in his opinion the detective work of the State Police so demands, create a state detective bureau, under his immediate supervision.
- (2) The detective bureau shall:
- (a) Maintain facilities for the detection of crime by the State Police.
- ~~[(b) Cooperate with and afford central information.]~~
- ~~[(c) Provide for records of fingerprints.]~~
- ~~[(d)]~~ (b) Supply expert information on handwriting and ballistics.
- ~~[(e) Keep photographs of persons accused of crime and personal history and descriptions of such persons and other records on file for the department and the peace officers of the various counties and municipalities.]~~

CHAPTER 550

AN ACT

Relating to extradition; amending ORS 147.150.

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

Section 1. ORS 147.150 is amended to read:

147.150. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged [and that he probably committed the crime, and except in cases arising under ORS 147.060 that he has fled from justice], the judge or magistrate must commit him to jail by a warrant reciting the accusation for such a time specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in ORS 147.160, or until he shall be legally discharged.

Approved by the Governor June 14, 1963.

Filed in the office of Secretary of State June 17, 1963.

CHAPTER 552

AN ACT

Relating to unlawful entry of a dwelling or railroad yard; and providing penalties.

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

SECTION 1. Any person who, without authority of law enters any dwelling house, as defined in ORS 164.210, without consent, express or implied, of a person in possession or entitled to possession thereof, and who has no reasonable basis for believing that his entry into the dwelling house is required to assist a person in distress or to prevent injury to a person therein or damage to property, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished according to the provisions of ORS 161.080.

SECTION 2. Notwithstanding the provisions of section 1 of this Act, an employer or an employer's agent may enter any quarters provided by the employer without charge to the employee for the purpose of making a reasonable inspection thereof.

SECTION 3. Any person who, without authority or permission, knowingly enters into or upon property owned by a railroad designated as a railroad yard, and upon oral, written or printed notice of the person in lawful possession of the premises refuses to depart therefrom shall be guilty of a misdemeanor. For the purposes of this section a railroad yard is defined as an area, owned by a railroad and under the control of a railroad company, posted with signs, located at reasonable intervals about the perimeter thereof, stating that the area has been designated as a railroad yard and forbidding trespass thereon.

Approved by the Governor June 14, 1963.

Filed in the office of Secretary of State June 17, 1963.

CHAPTER 553

AN ACT

Relating to unauthorized use of personal property; and providing penalties.

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

SECTION 1. Every person who leases or rents a vehicle, trailer, tool, item of personal property or equipment and who wilfully fails to return such vehicle, trailer, tool, item of personal property or equipment to its owner subsequent to the expiration of the lease or rental term and within 10 days after demand is received shall be punished by imprisonment in the county jail for not more than six months or a fine of not more than \$200.

Approved by the Governor June 14, 1963.

Filed in the office of Secretary of State June 17, 1963.

CHAPTER 579

AN ACT

Relating to collective bargaining for public employees.

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

SECTION 1. It is the purpose of this Act to promote the improvement of the relationship between public employers and their employees by providing a uniform basis for recognizing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers.

SECTION 2. As used in this Act, unless the context requires otherwise:

- (1) "Employment relations" includes, but is not limited to, matters concerning wages, salaries, hours, vacations, sick leave, holiday pay and grievance procedures.
- (2) "Labor organization" means any organization which includes public employees and which has as one of its primary purposes representing such employees in their employment relations with the public employer.
- (3) "Public employee" means an employee of a public employer.
- (4) "Public employer" means the state, county or city or any political subdivision or agency thereof.

SECTION 3. (1) Public employees have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations.

(2) Public employers shall not interfere with, intimidate, restrain, coerce or discriminate against public employees because of their exercise of rights under subsection (1) of this section.

SECTION 4. Public employers shall have the right to enter into collective bargaining agreements with labor organizations on matters concerning employment relations.

SECTION 5. In the event that the public employer and the labor organization cannot agree on terms for collective bargaining, the State Conciliation Service established under ORS 662.415 may be called upon to aid in arriving at an agreement and the public employer and the labor organization may meet for mediation purposes with the person designated by the Labor Conciliator.

SECTION 6. No public employee shall strike or recognize a picket line of a labor organization while in the performance of his official duties.

Approved by the Governor June 19, 1963.

Filed in the office of Secretary of State June 19, 1963.

SECTION 6-NEW LAW

CHAPTER 585

AN ACT

Relating to dog control; amending ORS 609.090.

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

Section 1. ORS 609.090 is amended to read:

- 609.090. (1) When any dog, coming under ORS 609.080, is found running at large, every chief of police, constable, sheriff or deputy of either, or other police officer shall impound it. However, this section does not apply to the herdsman using the dogs for the legitimate protection of his flock against the ravages of animals.
- (2) All dogs taken up and impounded under this section and ORS 609.030 shall be held in an adequate and sanitary pound to be provided by the county court *from the general fund or* out of funds obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the establishment of a dog pound, the county court may contract for the care of such dogs. Any dogs so impounded shall be held for at least five days from the date of such impounding before being destroyed or otherwise disposed of. If the owner appears to redeem the dog, he shall pay the sum of \$1 and also the expense of keeping the dog during the time it was impounded. If no owner appears and redeems such dog within five days from its impounding, it shall be killed in a humane manner or, if in the opinion of the dog control board, county court or board of county commissioners such dog is not dangerous and can be safely kept, such board or court may release such dog to any responsible person upon receiving assurance that such person will properly care for such dog and not allow it to become a nuisance, and upon payment of \$1 plus cost of keep during its impounding. Such person shall thereafter be liable as owner of said dog as provided by this chapter. ~~[A fee of \$1 shall be paid out of the dog fund for each dog killed as required by this section.]~~

Approved by the Governor June 19, 1963.

Filed in the office of Secretary of State June 19, 1963.

CHAPTER 588

AN ACT

Relating to the fraudulent use of credit cards; and providing penalties.

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

SECTION 1. Sections 2 to 4 of this Act are added to and made a part of ORS chapter 165.

SECTION 2. As used in this 1963 Act, unless the context requires otherwise:

- (1) "Credit card" means any instrument, whether in the form of a card, booklet, plastic or metal substance, or the number or other identifying description thereof, which is sold, issued or otherwise distributed by a business organization or financial institution for the use by the person or organization named thereon for obtaining on credit goods, property, services or anything of value.
- (2) "Cardholder" means the person or organization to whom a credit card is issued or for whose benefit it is issued.

SECTION 3. Any person who:

- (1) Steals, takes or removes a credit card from the person or possession of the cardholder or who retains or secretes a credit card without the consent of the cardholder with the intent of using, delivering, circulating or selling or causing such card to be used, delivered, circulated or sold without the consent of the cardholder, shall be deemed guilty of a misdemeanor.
- (2) Has in his possession or under his control or who received from another person any forged, altered, counterfeited, fictitious or stolen credit card with the intent to use, deliver, circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing the same to be forged, altered, counterfeited, fictitious or stolen, or who has or keeps in his possession any blank or unfinished credit card made in the form or similitude of any credit card with such intent shall be deemed guilty of a misdemeanor.
- (3) Has in his possession, or under his control, or who receives from another person a credit card with the intent to circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without the consent of the cardholder, shall be deemed guilty of a misdemeanor.
- (4) Delivers, circulates or sells a credit card which was obtained or is held by such person under circumstances which would constitute a crime under subsections (1), (2) or (3) of this section, or permits or causes or procures the same to be used, delivered, circulated or sold, knowing the same to be obtained or held under circumstances which would constitute a crime under subsections (1), (2) or (3) of this section, shall be deemed guilty of a misdemeanor.

Relating to the fraudulent use of credit cards.

SECTION 3. (continued)

- (5) With intent to defraud, either forges, materially alters or counterfeits a credit card shall be punished upon conviction in the manner provided in ORS 165.105.
- (6) Knowingly uses or attempts to use, for the purpose of obtaining goods, property, services or anything of value, a credit card which was obtained, or is held by the user, under circumstances which would constitute a crime under subsections (1), (2) or (3) of this section, shall be deemed guilty of a misdemeanor if the total amount of goods, property, services or other things of value so obtained by such person does not exceed \$75, or shall be punished upon conviction by imprisonment in the penitentiary for not more than five years if the total amount of goods, property or services or other things of value so obtained by such person exceeds \$75.

SECTION 4. Every person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property, services or anything of value a credit card which has been revoked or canceled by the issuer thereof, as distinguished from expired, and such person has actual notice of such revocation or cancellation, is guilty of a misdemeanor if the total amount of goods, property or services or other things of value so obtained thereafter by such person does not exceed \$75, or shall be punished upon conviction by imprisonment in the penitentiary for not more than five years if the total amount of goods, property, services or other things of value so obtained thereafter exceeds \$75.

Approved by the Governor June 19, 1963.

Filed in the office of Secretary of State June 19, 1963.

CHAPTER 596

AN ACT

Relating to the rights and duties of a blind pedestrian; amending ORS 482.260, as amended by section 9, chapter 97, Oregon Laws 1963 (Enrolled House Bill 1047), and ORS 483.214; and providing penalties.

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

Section 1. ORS 483.214 is amended to read:

483.214. (1) As used in this section:

- (a) "Blind person" means a person who is totally or partially blind.
- (b) "Dog guide" means a dog which is wearing a dog guide harness and is trained to lead or guide a blind person.
- (c) "White cane" means a cane or walking stick which is white color or white with a red tip.

(2) [Any] A driver of a vehicle ~~[on streetcar]~~ approaching a blind pedestrian who is [wholly or partially blind and is] carrying a white cane in a raised or extended position, ~~[walking stick white in color or white with red,]~~ is accompanied by a dog guide, shall immediately come to a full stop and take such precaution before proceeding as may be necessary to avoid accident or injury to ~~[such]~~ the pedestrian. Notwithstanding ORS 483.130 to 483.136, where the movement of vehicular traffic is regulated by traffic control signals, if a blind pedestrian has entered the roadway and is carrying a white cane in a raised or extended position or is accompanied by a dog guide, the driver of a vehicle approaching such pedestrian shall yield the right of way to the pedestrian and stop or remain stationary until the pedestrian has vacated the roadway.

~~[(2)]~~ (3) No person other than a blind person ~~[one wholly or partially blind or otherwise seriously handicapped]~~ shall carry or use on the streets, highways and public places of this state ~~[any] a white cane [or walking stick which is white in color or white with a red end on the bottom].~~ Such canes ~~[or walking sticks]~~ may be used on the streets and other public places of the state by blind persons ~~[fully or partially blind or otherwise seriously handicapped]~~ as a means of protecting them and for purposes of identification to drivers of vehicles or street cars, and other pedestrians with whom they may come in contact.

(4) Nothing in this section is intended to deprive a blind person who is not carrying a white cane or is not accompanied by a dog guide of the rights and privileges granted by law to all pedestrians.

Relating to the rights and duties of a blind pedestrian.

SECTION 2. Violation of subsection (2) or (3) of ORS 483.214 is a misdemeanor.

Section 3. ORS 482.260, as amended by section 9, chapter 97, Oregon Laws 1963 (Enrolled House Bill 1047), is amended to read:

- 482.260. (1) Except as provided in subsection (2) of this section, the department shall examine every applicant for an operator's or chauffeur's license before issuing any such license. The examination shall include:
- (a) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning and directing traffic, and his knowledge of the traffic laws of this state *including the rights of blind pedestrians provided by ORS 483.214;*
 - (b) An actual demonstration of his ability to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property; and
 - (c) Such further examination as may be necessary to determine whether any facts exist which would bar the issuance of a license under ORS 482.110 to 482.150, or to determine the applicant's fitness to operate a motor vehicle safely on the highways, which examination shall be limited to an investigation of only those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety, and those facts declared to be prerequisite to the issuance of a license under this chapter.
- (2) The department may waive the examination of any person applying for the renewal of an operator's or chauffeur's license issued under the laws of this state, except when the department has reason to believe that an applicant for an operator's license is not qualified to hold an operator's license under this chapter, or when an applicant for the renewal of a chauffeur's license has not previously been examined.
- (3) The department may require any licensed motor vehicle operator to appear for an examination whenever the department has reason to believe that the operator might not be qualified to hold an operator's license under this chapter. The failure of an operator to appear within a reasonable length of time after being notified to do so, or his failure to satisfactorily complete the required examination, shall be sufficient reason for the suspension of his license.

Approved by the Governor June 19, 1963.

Filed in the office of Secretary of State June 19, 1963.

CHAPTER 600

AN ACT

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings; creating new provisions; amending ORS 138.500 and 138.590; and appropriating money.

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

SECTION 1. As used in sections 2 to 7 of this Act, unless the context requires otherwise:

- (1) "Committee" means the Public Defender Committee appointed under section 2 of this Act.
- (2) "Defender" means the Public Defender appointed under section 3 of this Act.

SECTION 2. (1) The Supreme Court shall appoint a Public Defender Committee of not fewer than five individuals, who, in the opinion of the Court, are qualified by training or experience to perform the functions of the committee. A majority of the committee is a quorum for the transaction of business.

(2) Each member shall serve without compensation but shall receive, subject to any other applicable law regulating travel and other expenses of state officers, reimbursement for his actual and necessary travel and other expenses incurred in the performance of his official duties.

(3) Each member's term is four years and he may be reappointed.

SECTION 3. The committee shall:

- (1) Appoint a Public Defender;
- (2) Determine policies and procedures for the performance of the defender's functions;
- (3) Determine standards of eligibility for the defender and his deputies;
- (4) Approve the original estimate sheet in connection with the budget for the defender's office and generally be responsible for supervision of the expenditures made for the defender's office;
- (5) Prescribe a form of oath of financial circumstances for use under subsection (3) of section 6 of this Act;

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

- (6) Prescribe a formula of apportionment of expenses under section 12 of this Act; and
- (7) Where the defender is unable to perform fully his authorized functions, determine the nature and extent of the services he shall render.

SECTION 4.

- (1) The defender's term is four years, and he may be reappointed. The office of defender becomes vacant upon the conditions prescribed in ORS 236.010, upon the committee's finding of any of the causes enumerated in subsections (1) to (3) of ORS 241.425, or upon the defender's failure to comply with subsection (3) of this section.
- (2) The minimum salary of the defender is \$12,500 a year and his maximum salary is \$14,500 a year. The defender shall receive the minimum salary unless such salary is or has been altered by the Public Defender Committee in the manner prescribed in ORS 292.855.
- (3) The defender shall be an active member of the Oregon State Bar.
- (4) To qualify for office the individual appointed defender shall file with the Secretary of State his signed oath of office to the effect that he will support the Constitution of the United States and the Constitution of Oregon, and that he will faithfully and honestly demean himself in his office.
- (5) The defender and his deputies shall be members of the exempt service established by ORS 240.200. One secretary for the defender shall be a member of the unclassified service.
- (6) The defender, and any of his deputies who receive a salary of \$10,000 per year or more, shall not engage in the private practice of law.
- (7) The defender and his deputies shall not be employed in any capacity by a district attorney or other public prosecutor.

SECTION 5.

- (1) When it is necessary to enable the defender to perform his duties, the defender may:
 - (a) Employ deputies with the power and authority of the defender.
 - (b) Employ other individuals, including expert investigators, witnesses and interpreters.
 - (c) Contract for the purchase of materials or other services.

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

SECTION 5. (continued)

- (d) Consult with and, in appropriate cases, join in the defense, any attorney who had previously represented the individual in a case which resulted in a conviction under consideration in the proceeding where the defender represents the individual. Any compensation paid such attorney for services rendered under this paragraph shall be paid solely as provided by section 11 of this Act.
- (e) Make or assist in making any study, survey or report upon the need for, use of and availability of legal aid to indigent persons in the State of Oregon, and accept payment therefor.
- (2) Subject to the express approval of the committee, the defender may accept gifts, grants or services from, or contract with nonprofit organizations, educational institutions and other state or federal agencies; in rendering legal aid to persons without means to retain an attorney and in studying, surveying and reporting on the need, use and availability of such aid in the State of Oregon.
- (3) Payment for materials and services procured under this section shall be made in the same manner as other state expenses are paid.
- (4) The defender shall be paid by the state in the same manner as other state officers are paid. Such salary shall be the full compensation to the defender for all his services, except for the allowance of his expense as a state officer.

- SECTION 6. (1) In accordance with subsections (2) to (4) of this section and the determinations of the committee under subsection (2) or (7) of section 3 of this Act, the defender may act as attorney at any stage of a proceeding before any court, including the Supreme Court, for an individual who is being deprived of his liberty in the custody of the Warden of the Oregon State Penitentiary or of the Superintendent of the Oregon Correctional Institution, and the proceeding is other than:
- (a) A habeas corpus proceeding;
 - (b) A proceeding for which counsel is appointed under ORS 133.625, 135.320, 138.440, 419.498 or 426.100; or
 - (c) A proceeding for contempt of court, criminal or civil.
- (2) The defender may act only at the request of the individual described in subsection (1) of this section, or, if no such request is made, at the request of the court or magistrate.

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

SECTION 6. (continued)

- (3) The individual on whose behalf the defender is requested to act shall submit to the defender, in the form prescribed by the committee, an affidavit of his financial circumstances.
- (4) At the request of the defender or an individual who seeks the defender's aid, the court or magistrate before whom a proceeding is pending or to whom an application for relief has been made, shall finally determine whether the individual is eligible under this section for the defender's aid.

SECTION 7. The defender shall keep a register in which he shall make a note of each proceeding in which he serves in his official capacity. The right to custody of the register passes to the defender's successor in office, and the defender shall deliver the register to his successor in office.

Section 8. ORS 138.500 is amended to read:

- 138.500. (1) If a defendant in a criminal action or a petitioner in a proceeding pursuant to ORS 138.510 to 138.680 wishes to appeal from an appealable adverse final order or judgment of a circuit court and if such person is without funds to employ counsel for the appeal, he may request the circuit court from which the appeal is or would be taken to appoint counsel to represent him on such appeal. The request shall be in writing and shall be made within the time during which an appeal may be taken or, if the notice of appeal has been filed, at any time thereafter. The request shall include a brief statement of the assets, liabilities and income in the previous year of such person. Upon receiving such a request, the circuit court, if it finds that petitioner or defendant is without funds to employ counsel for an appeal, shall appoint counsel to represent petitioner or defendant on the appeal. The circuit court, in its discretion, may appoint counsel who represented petitioner or defendant in the circuit court in the case, or ~~it may appoint other counsel~~ *if the Public Defender is able to serve, it may appoint the Public Defender as counsel on appeal.*
- (2) Whenever a defendant in a criminal action or a petitioner in a proceeding pursuant to ORS 138.510 to 138.680 has filed a notice of appeal from an appealable adverse final order or judgment of a circuit court and such person is without funds to pay for a transcript, or portion thereof, necessary to present adequately his case upon appeal, such person may request the circuit court to order such transcript, or portion thereof, furnished to him. The request shall be in writing and shall include a brief statement of the assets, liabilities and income in the previous year of such person.

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

138.500 (continued)

Upon receiving such request, the circuit court shall order furnished to such person such portion of the transcript as may be material to the decision on appeal, if the circuit court finds that such transcript or portion thereof is necessary and that such person is unable to pay for it. The cost of such transcript shall be in the amount prescribed in ORS 21.470 and paid for as provided in subsection (3) of this section.

- (3) After determination of the appeal the Supreme Court shall allow the cost of the transcript furnished pursuant to subsection (2) of this section, the cost of briefs and any other expenses of appellant which were necessary to appellate review. The Supreme Court may also determine and allow a reasonable fee for counsel appointed under this section. A verified statement of such costs and expenses, including petition for allowance of attorney's fee, shall be filed within 20 days or such further time as may be allowed by the court from the time an opinion is rendered or, if no opinion is handed down, then within 20 days from the giving of a decision by the court. The cost, expenses and fee so allowed by the Supreme Court shall be paid by:
 - (a) The county in which the final order or judgment appealed from was rendered, if the appeal is taken to review directly an order or judgment in a criminal action; or
 - (b) The county in which the conviction complained of was rendered, if the appeal is taken to review the judgment in a proceeding pursuant to ORS 138.510 to 138.680.
- (4) The provisions of this section shall apply in favor of the defendant in a criminal action or the petitioner in a proceeding pursuant to ORS 138.510 to 138.680 when such person is respondent in an appeal taken by the state in a criminal action or by the defendant in a proceeding pursuant to ORS 138.510 to 138.680.
- (5) *If appointed counsel on appeal is the Public Defender established by sections 3 of this 1963 Act, no fee for his services shall be ordered by the court or paid by the county.*

Section 9. ORS 138.590 is amended to read:

- 138.590. (1) Any petitioner who is unable to pay the expenses of a proceeding pursuant to ORS 138.510 to 138.680 or to employ counsel for such a proceeding may proceed as a poor person pursuant to this section upon order of the circuit court in which the petition is filed.

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

138.590 (CONTINUED)

- (2) If the petitioner wishes to proceed as a poor person, he shall file with his petition an affidavit stating that he is unable to pay the expenses of a proceeding pursuant to ORS 138.510 to 138.680 or to employ counsel for such proceeding. The affidavit shall contain a brief statement of petitioner's assets and liabilities and his income during the previous year. If the circuit court is satisfied that petitioner is unable to pay such expenses or to employ counsel, it shall order that petitioner proceed as a poor person. However, when the circuit court for Marion County orders petitioner's case transferred to another circuit court as provided in subsection (4) of ORS 138.560, the matter of petitioner's proceeding as a poor person shall be determined by the latter court.
- (3) In order to proceed as a poor person, the circuit court shall appoint counsel to represent petitioner. *When the petitioner is held in the custody of either the Warden of the Oregon State Penitentiary or the Superintendent of the Oregon State Correctional Institution, and the Public Defender authorized by this 1963 Act is able to serve, the circuit court shall appoint the Public Defender as counsel to represent petitioner.* Counsel so appointed shall represent petitioner throughout the proceedings in the circuit court.
- (4) If counsel appointed by the circuit court determines that the petition as filed by petitioner is defective, either in form or in substance, or both, he may move to amend the petition within 15 days following his appointment, or within such further period as the court may allow. Such amendment shall be permitted as of right at any time during this period. If appointed counsel believes that the original petition cannot be construed to state a ground for relief under ORS 138.510 to 138.680, and cannot be amended to state such a ground, he shall, in lieu of moving to amend the petition, inform the petitioner and notify the circuit court of his belief by filing an affidavit stating his belief and his reasons therefor with the clerk of the circuit court. This affidavit shall not constitute a ground for denying the petition prior to a hearing upon its sufficiency, but the circuit court may consider such affidavit in deciding upon the sufficiency of the petition at the hearing.
- (5) When a petitioner has been ordered to proceed as a poor person, the expenses which are necessary for the proceedings upon his petition in the circuit court and the award to appointed counsel for petitioner as provided in this subsection shall be a charge against and shall be paid by the county in which petitioner's conviction and sentence were rendered. At the conclusion of the proceedings on a petition pursuant to ORS 138.510 to 138.680, the

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

138.590 (continued)

circuit court shall determine the amount of expenses of petitioner in the circuit court. The circuit court may also determine a reasonable fee for the services of appointed counsel in the proceedings in the circuit court. The expenses and fee determined by the circuit court shall be certified to and shall be ordered to be paid by the county in which petitioner's conviction and sentence were rendered and shall be paid by such county.

(6) *When the Public Defender established by section 3 of this 1963 Act is the appointed counsel no fee for his services shall be ordered by the court or paid by the county.*

[(6)] (7) When petitioner has been ordered to proceed as a poor person all court fees in the circuit court are waived.

SECTION 10.

The Supreme Court may, in its discretion, at the request of an individual who is deprived of his liberty by a judgment, is without means to retain an attorney and is without the aid of an attorney, direct the Public Defender to represent the individual in a proceeding before it to test the validity of that judgment.

SECTION 11. (1) When an attorney has been appointed by a court or magistrate other than the Supreme Court under ORS 135.320, 419.498 and 426.100 and the case later is taken to a court, by the Public Defender, on an appeal or on a post-conviction proceeding, and that attorney previously appointed is consulted or joined by the Public Defender under paragraph (d) of subsection (1) of section 5 of this Act, the circuit court from which or to which the case is taken:

(a) May order that the attorney be paid a sum that will reasonably compensate the attorney for his services to the extent that those services have not been compensated pursuant to an earlier order for payment in the case; and

(b) May order that the attorney be reimbursed for expenses incurred in connection with the consultation or joinder.

(2) The county from which the case is taken shall pay the attorney the sum ordered to be paid under this section.

Relating to the furnishing of services of attorneys to certain persons in criminal actions and certain other proceedings.

SECTION 12. An individual for whom aid of an attorney has been furnished under ORS 133.625, 135.320, 138.440, 138.500, 138.590, 419.498, 426.100 or under the provisions of sections 6 and 10 of this Act is liable for the cost incurred in furnishing such aid; which shall include the total amount of the fees and expenses allowed the attorney or the attorneys. Where the Public Defender has acted as attorney, the costs incurred shall include the reasonable share of the salaries and expenses of the Public Defender applicable to the defense of such individual, determined by the formula prescribed by the Public Defender Committee under section 3 of this Act. The cost incurred shall be taxed as a disbursement against the individual for whom the aid was furnished, by the highest court that last acted in the case, whether or not a trial is had and whether or not the individual prevails.

SECTION 13. There hereby is established in the General Fund of the State Treasury an account to be known as the Public Defender's Account. All moneys received by the Public Defender shall be paid into the State Treasury and credited to the Public Defender's Account. All moneys in the Public Defender's Account hereby are appropriated continuously for and, subject to approval by the Public Defender Committee, shall be used by the Public Defender in carrying out the purposes of this Act.

SECTION 14. There hereby is appropriated to the Public Defender for the biennium beginning July 1, 1963, out of the General Fund, the sum of \$35,000.

Approved by the Governor June 19, 1963.

Filed in the office of Secretary of State June 19, 1963.

CHAPTER 621

AN ACT

Relating to reporting of certain physical injuries; and providing penalties.

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

SECTION 1. As used in this Act "injury" means:

- (1) A physical injury caused by a knife, gun, pistol or other deadly weapon; or
- (2) Any physical injury to a child of the age of 12 or under caused by blows, beatings, physical violence or abuse where there is some cause to believe that such physical injury was intentionally or wantonly inflicted.

SECTION 2. An investigation of an injury may be made by a coroner or medical investigator whenever the injury occurred under suspicious or unknown circumstances. All authority granted to the coroner or medical investigator by ORS chapter 146 may be exercised in making such investigation.

SECTION 3. Every superintendent, manager, physician, nurse or other person having the supervision of any public, quasi-public, charitable or private institution, the object of which is to treat the injured or care for the sick, and any practitioner of any healing art licensed in this state shall promptly report any injury treated at such institution or by such practitioner to the appropriate coroner or medical investigator.

SECTION 4. All peace officers shall promptly notify the coroner, medical investigator or one of their respective deputies of any injury requiring investigation under section 2 of this Act, which comes to their attention.

SECTION 5. Whenever the coroner or medical investigator concludes that a crime may have been committed by any person in causing the injury, he shall report his conclusion to the district attorney.

SECTION 6. Whenever the coroner or medical investigator finds that the injury was to a child of the age of 12 or under and that it was caused in a manner which could place the child under the jurisdiction of the juvenile court, he shall report the circumstances of the injury to the juvenile court.

SECTION 7. The wilful failure to report an injury, the wilful failure to assist in determining facts pertinent to the injury or the refusal to obey the orders or processes of any coroner or medical investigator conducting an investigation under the provisions of this Act shall be a misdemeanor.

Approved by the Governor June 24, 1963.

Filed in the office of Secretary of State June 24, 1963.

CHAPTER 622

AN ACT

Relating to discrimination because of race, religion, color, national origin, or age; creating new provisions; and amending ORS 659.010, 659.024, 659.050, 659.060, 659.070, 659.080 and 659.100.

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

SECTION 1. Sections 2, 4 and 9 of this Act are added to and made a part of ORS 659.010 to 659.110.

SECTION 2. The purpose of ORS 659.010 to 659.110 is to encourage the fullest utilization of available manpower by removing arbitrary standards of race, religion, color, national origin or age as a barrier to employment of the inhabitants of this state; to insure human dignity of all people within this state, and protect their health, safety and morals from the consequences of intergroup hostility, tensions and practices of discrimination of any kind based on race, religion, color or national origin. To accomplish this purpose the Legislative Assembly intends by ORS 659.010 to 659.110 to provide:

- (1) A program of public education calculated to eliminate attitudes upon which practices of discrimination because of race, religion, color or national origin are based.
- (2) An adequate remedy for persons aggrieved by certain acts of discrimination because of race, religion, color or national origin or unreasonable acts of discrimination in employment based upon age.
- (3) An adequate administrative machinery for the orderly resolution of complaints of discrimination through a procedure involving investigation, conference, conciliation and persuasion; to encourage the use in good faith of such machinery by all parties to a complaint of discrimination; and to discourage unilateral action which makes moot the outcome of final administrative or judicial determination on the merits of such a complaint.

Section 3. ORS 659.010 is amended to read:

659.010. As used in ORS 659.010 to 659.110, unless the context requires otherwise:

- (1) "Bureau" means the Bureau of Labor.
- (2) "Cease and desist order" means an order signed by the commissioner, taking into account the subject matter of the complaint and the need to supervise compliance with the terms of any specific order issued to eliminate the effects of any unlawful practice found, addressed to a respondent requiring him to:

Relating to discrimination because of race, religion, color, national origin, or age

Section 3. ORS 659.010 (continued)

- (a) Perform an act or series of acts designated therein and reasonably calculated to carry out the purposes of ORS 659.010 to 659.110, eliminate the effects of an unlawful practice found, and protect the rights of the complainant and other persons similarly situated;
- (b) Take such action and submit such designated reports to the commissioner on the manner of compliance with other terms and conditions specified in his order as may be required to assure compliance therewith; or
- (c) Refrain from any action designated in the order which would jeopardize the rights of the complainant or other person similarly situated or frustrate the purpose of ORS 659.010 to 659.110.

~~[(2)]~~ (3) "Commissioner" means the Commissioner of the Bureau of Labor.

(4) "Conciliation agreement" means a written agreement settling and disposing of a complaint under ORS 659.010 to 659.110 signed by a respondent and an authorized official of the Bureau of Labor.

~~[(3)]~~ (5) "Employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

~~[(4)]~~ (6) "Employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such a club, association or corporation is not organized for private profit, nor does it include any employer with less than six persons in his employ.

~~[(5)]~~ (7) "Employment agency" includes any person undertaking to procure employees or opportunities to work.

(8) "Entity" includes employers, labor organizations, employment agencies, places of public accommodation, resort or amusement as defined in ORS 30.675 or vocational, professional or trade schools.

~~[(6)]~~ (9) "Labor organization" includes any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

Relating to discrimination because of race, religion, color, national origin, or age

Section 3. ORS 659.010(Continued)

- ~~[(7)]~~ (10) "National origin" includes ancestry.
- ~~[(8)]~~ (11) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.
- (12) *"Respondent" includes any person or entity against whom a complaint or charge of unlawful practices is filed with the commissioner or whose name has been added to such complaint or charge pursuant to subsection (1) of ORS 659.050.*
- ~~[(9)]~~ (13) "Unlawful employment practice" includes only those unlawful employment practices specified in ORS 659.024, 659.030 and subsection (1) of ORS 659.026.
- ~~[(10)]~~ (14) "Unlawful practice" means any unlawful employment practice or any distinction, discrimination or restriction on account of race, religion, color or national origin made by any place of public accommodation, resort or amusement as defined in ORS 30.675 or by any person acting on behalf of any such place, or any violation of ORS 345.240, 659.033 ~~for~~, 659.037, *section 2, chapter ----, Oregon Laws 1963 (Enrolled House Bill 1166) or rules and regulations adopted pursuant to subsection (5) of ORS 659.100* but does not include a refusal to furnish goods or services when the refusal is based on just cause.

SECTION 4. Prior to a final administrative determination on the merits of a complaint filed against him under ORS 659.010 to 659.110 and subsequent to receipt of notice from the commissioner or his deputy that such complaint has been filed subject to section 9 of this 1963 Act, no respondent shall, with an intention to defeat a purpose of this chapter, take any action which makes unavailable to the complainant therein, any services, real property, employment or employment opportunities sought by said complaint upon administrative determination on the merits thereof.

Section 5. ORS 659.024 is amended to read:

- 659.024. (1) It is an unlawful employment practice for an employer to refuse to hire or employ or to bar, discharge, dismiss, reduce, suspend or demote any individual because of his age if the individual is 25 years of age or older and under 65 years of age; but the selection of employees on the basis of relevant educational or experience requirements or relevant physical requirements, including but not

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Section 5. ORS 659.024 (continued)

limited to strength, dexterity, agility and endurance, is not an unlawful employment practice.

- (2) *It is an unlawful employment practice for any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to age of any person who is 25 years of age or older and under 65 years of age, or any intent to make such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.*

- ~~-(2)-~~ (3) "Employer", as used in this section, means any person who has six or more persons in his employ, but does not include the state, counties, cities, districts, authorities, public corporations and entities and their instrumentalities.

Section 6. ORS 659.050 is amended to read:

- 659.050. (1) After the filing of any complaint under ORS 659.040 or 659.045, the commissioner shall cause prompt investigation to be made in connection therewith. *If during the course of such investigation or upon the conclusion thereof it appears to the commissioner that additional persons should be named as respondents in the complaint the names of such persons may be added as respondents thereto. If the commissioner determines that the allegations of the complaint are supported by any substantial evidence he immediately shall endeavor to eliminate the unlawful practices complained of by conference, conciliation and persuasion.* *Investigation disclosed any substantial evidence supporting the allegations of the complaint the commissioner shall cause immediate steps to be taken through conference, conciliation and persuasion to effect a settlement of the complaint and eliminate the effects of the unlawful practice and to otherwise carry out the purpose of ORS 659.010 to 659.110.*
- (2) *The terms of any settlement of a complaint under this section shall be contained in a written conciliation agreement filed with the commissioner. Such agreement may include any or all terms and conditions which may be included in a cease and desist order.*
 - (3) *The commissioner may relax any terms or conditions of a conciliation agreement or cease and desist order, the performance of which would cause an undue hardship on the respondent or another*

Relating to discrimination because of race, religion, color, national origin, or age

Section 6. ORS 659.050 (continued)

person and are not essential to protection of the complainant's rights. In the absence of such relaxation by the commissioner, no respondent shall violate any terms or conditions of a cease and desist order or conciliation agreement to which he was a party; nor shall his agent or successor in interest to the particular business involved violate any terms or conditions thereof.

Section 7. ORS 659.060 is amended to read:

- 659.060. (1) In case of failure to ~~[eliminate unlawful practices under ORS 659.050, the commissioner shall cause to be issued and served a written notice, together with a copy of the complaint, requiring the person, employer, labor organization, employment agency, place of public accommodation, resort or amusement as defined in ORS 30.675 or vocational, professional or trade school named in the complaint, referred to in this section as respondent, to answer such charges at a hearing before the commissioner at a time and place which shall be specified in the notice.]~~ resolve a complaint after reasonable effort under ORS 659.050 a copy of the records on file in the case shall be certified by an officer of the Bureau of Labor familiar with the details thereof. He shall deliver such copy, together with a list of available dates for hearing, to the Attorney General or an Assistant Attorney General authorized to receive it.
- (2) Upon receipt of the copy of records referred to in subsection (1) of this section the Attorney General shall prepare and serve upon the commissioner and each respondent required to appear at a hearing before the commissioner, specific charges in writing he intends to prefer against such respondents, together with a written notice of the time and place of such hearing. The commissioner shall immediately schedule a hearing on the case at the time and place specified in the notice prepared and served by the Attorney General.
- [(2)] (3) All proceedings before the commissioner under this section shall be in conformity with the provisions of ORS chapter 183.
- [(3)] (4) ~~[If,]~~ After considering all the evidence, the commissioner ~~[finds that the respondent has engaged in an unlawful practice as alleged in the complaint, he shall serve a certified copy of such findings on the respondent, together with an order requiring respondent to cease and desist from such unlawful practice. If, on the other hand, the commissioner finds that the respondent has not engaged in an unlawful practice as alleged in the complaint, he~~

Relating to discrimination because of race, religion, color, national origin, or age

Section 7. ORS 659.060 (continued)

~~shall serve a certified copy of his finding on the complainant, together with an order dismissing such complaint.] shall cause to be issued findings of facts, and conclusions of law. He shall also issue an order dismissing the charge and complaint against any respondent not found to have engaged in any unlawful practice charged and an appropriate cease and desist order against any respondent found to have engaged in any unlawful practice charged.~~

- (5) Nothing stated in ORS 659.010 to 659.110 shall be construed to prevent a settlement of any case scheduled for hearing under the provisions of ORS 659.010 to 659.110 by conciliation, conference and persuasion, nor to prevent the commissioner from appointing a special tribunal to hear and determine matters of fact under ORS 659.010 to 659.110, reserving to himself the conclusions of law and formulation of an order appropriate to the facts as found.

Section 8. ORS 659.100 is amended to read:

- 659.100. (1) The Bureau of Labor may eliminate and prevent discrimination in employment because of race, religion, color or national origin or by employers, employees, labor organizations, employment agencies or other persons and take other actions against discrimination because of race, religion, color or national origin as provided in ORS 659.010 to 659.110. The Bureau of Labor hereby is given general jurisdiction and power for such purposes.
- (2) Except for discrimination against employees who are described in subsection (2) of ORS 659.026, the Bureau of Labor is given jurisdiction and power over instances of discrimination in employment because of age, as prohibited by ORS 659.024 and 659.026.
- (3) The Bureau of Labor may eliminate and prevent violations of ORS 659.033 and may eliminate and prevent discrimination or restrictions because of race, religion, color or national origin by vocational, professional and trade schools licensed under any law of the State of Oregon, or by any place of public accommodation, resort or amusement as defined in ORS 30.675 or by any person acting on behalf of such place. The Bureau of Labor hereby is given general jurisdiction and power for such purposes.
- (4) The commissioner shall employ a deputy commissioner and such other personnel as may be necessary to carry into effect the powers and duties conferred upon the Bureau of Labor and the commissioner under ORS 659.010 to 659.110 and may prescribe the duties and responsibilities of such employees. The Commissioner of the Bureau of Labor may delegate any of his powers under ORS 659.010 to 659.110 to the deputy commissioner employed under this subsection.

CHAPTER 625

AN ACT

Relating to crimes and the punishment therefor; amending ORS 144.230, 144.310, 162.030, 163.010 and 163.020; and prescribing an effective date.

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

Section 1. ORS 144.230 is amended to read:

- 144.230. (1) A person convicted of murder in the first degree shall not be eligible for parole until he has served at least 10 years of his sentence.
- (2) No person serving a ~~[life]~~ sentence in the state penitentiary for murder in the ~~[first or]~~ second degree is eligible for release on parole until he has served at least seven years of his sentence.

Section 2. ORS 144.310 is amended to read:

- 144.310. When any paroled prisoner has performed the obligations of his parole for such time as satisfies the State Board of Parole and Probation that his final release is not incompatible with his welfare and that of society, the board may make a final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in ~~[any]~~ the case of a person convicted of murder in the first degree and in no other case within a period of less than one year after the date of release on parole, except that when the period of the sentence imposed by the court expires at an earlier date, a final order of discharge shall be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the sentence.

Section 3. ORS 162.030 is amended to read:

- 162.030. The penalty for treason is ~~[death, except when the trial jury in its verdict recommends life imprisonment, in which case the penalty shall be]~~ life imprisonment.

Section 4. ORS 163.010 is amended to read:

- 163.010. (1) Any person who purposely, and of deliberate and premeditated malice, or in the commission of or attempt to commit rape, arson, robbery or burglary, kills another, is guilty of murder in the first degree.
- (2) Any person who, without lawful excuse or justification, purposely kills any peace officer of this state or any municipal corporation or political subdivision thereof, when the officer is acting in the

Relating to crime and the punishment therefor

Section 4. 163.010 (continued)

line of duty and is known to such person to be an officer so acting, is guilty of murder in the first degree.

- (3) ~~[Every]~~ Any person convicted of murder in the first degree shall be punished ~~[with death, except when the trial jury in its verdict recommends life imprisonment, in which case the penalty shall be life]~~ by imprisonment *for life*.

Section 5. ORS 163.020 is amended to read:

- 163.020. (1) Any person who kills another purposely and maliciously but without deliberation and premeditation, or in the commission or attempt to commit any felony other than rape, arson, robbery or burglary, is guilty of murder in the second degree.
- (2) Any person who kills another by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any design to effect the death of any particular individual, is guilty of murder in the second degree.
- (3) Any person who by previous engagement or appointment fights a duel and in so doing inflicts a wound upon another, whereof the person so injured dies, is guilty of murder in the second degree.
- (4) Every person convicted of murder in the second degree shall be punished by ~~[life]~~ imprisonment in the penitentiary *for not more than 25 years*.

SECTION 6. This Act shall not become effective unless the Constitution of the State of Oregon is amended by vote of the people at the regular general election held in 1964, so as to repeal sections 37 and 38, Article I thereof. If that amendment is so approved by vote of the people, this Act shall become effective on the effective date of the amendment.

Filed in the office of Secretary of State June 27, 1963.

Relating to discrimination because of race, religion, color, national origin, or age

Section 8. ORS 659.100 (continued)

- (5) In accordance with any applicable provision of ORS chapter 183 the commissioner may adopt reasonable rules:
 - (a) Establishing what acts and communications constitute a notice, sign or advertisement that public accommodation or real property will be refused, withheld from, or denied to any person or that discrimination will be made against him because of race, religion, color or national origin.
 - (b) Establishing what inquiries in connection with employment and prospective employment express a limitation, specification or discrimination as to race, religion, color, national origin or age.
 - (c) Establishing what inquiries in connection with employment and prospective employment soliciting information as to race, religion, color, national origin or age are based on bona fide job qualifications.
 - (d) Establishing rules for internal operation and rules of practice and procedure before the commissioner under ORS 659.010 to 659.110.
 - (e) Establishing rules covering any other matter required to carry out the purpose of ORS 659.010 to 659.110.
- (6) In adopting rules under this subsection the commissioner shall consider the following factors, among others:
 - (a) The relevance of information requested to job performance in connection with which it is requested.
 - (b) Available reasonable alternative ways of obtaining requested information without soliciting responses as to race, religion, color, national origin or age.
 - (c) Whether a statement or inquiry soliciting information as to race, religion, color, national origin or age communicates an idea independent of an intention to limit, specify or discriminate as to race, religion, color, national origin or age.
 - (d) Whether the independent idea communicated is relevant to a legitimate objective of the kind of transaction which it contemplates.
 - (e) The ease with which the independent idea relating to a legitimate objective of the kind of transaction contemplated could

Relating to discrimination because of race, religion, color, national origin, or age

Section 8. ORS 659.100 (continued)

be communicated without connoting an intention to discriminate as to race, religion, color, national origin, or age.

- ~~[(5)]~~(7) No person delegated any powers or duties under this section shall act as prosecutor and examiner in processing any violation under ~~[this chapter]~~ ORS 659.010 to 659.110.

SECTION 9. (1) Any person aggrieved by a violation of section 4 of this 1963 Act or subsection 3 of ORS 659.050 shall have a cause of action against the violator thereof for damages sustained thereby and also for such additional sum as may be reasonable as exemplary damages.

- (2) As a defense to any cause of action arising under this section based on a violation of section 4 of this 1963 Act the defendant may plead and prove that either:

- (a) Subsequent to the defendant's conduct on which the plaintiff bases his cause of action, the complaint under ORS 659.040 or ORS 659.045 has been dismissed by the commissioner or his deputy, or the court, either for want of evidence to proceed to a hearing or for lack of merit after such hearing; or
- (b) Defendant's conduct giving rise to plaintiff's cause of action was neither committed within the first 90 days after notice by the commissioner or his deputy of the filing of the complaint of discrimination under ORS 659.010 to 659.110, nor within any extended period of time obtained at the request of respondent for disposition of the case.

Section 10. ORS 659.070 is amended to read:

659.070. Any *conciliation agreement or order* issued by the commissioner under ORS 659.060 may be enforced by mandamus or injunction or by a suit in equity to compel specific performance of such order.

Section 11. ORS 659.080 is amended to read:

659.080. Any party aggrieved by an order of the commissioner issued after hearing under ORS 659.060, may appeal from such order to the circuit court in accordance with the provisions of ORS chapter 183. *For the purpose of this section a conciliation agreement disposing of a complaint is an order of the commissioner against a complainant who did not approve of such agreement, and such complainant is a party aggrieved thereby.*

Approved by the Governor June 24, 1963.

Filed in the office of Secretary of State June 24, 1963.

Ormond R. Bean
Commissioner of Finance
27 January 1958

DEFENSIVE DRIVING MEANS ANTICIPATING HAZARDS

Defensive driving means anticipating hazards and making allowances for the unsafe acts of others. The defensive driver avoids accidents by simply recognizing an accident producing situation before he reaches it, and refusing to drive into it. He avoids trouble by the use of defensive driving tactics.

HERE'S HOW.

KNOWING THE LAW -

You must know the rules of any game or contest before you can play it properly. Each year the rules committee changes the rules a bit for baseball, basketball and football and you can bet that every player and 99 per cent of the fans learn all the rule changes within 30 days. Most of them don't keep up with traffic rules so well, though. After all, it's only their life they are risking. Or is it yours? Knowing the basic rules and all the local ground rules will help you drive defensively. Ignorance of the law is no excuse but, even if it were, excuses help little after the accident.

FOLLOWING TOO CLOSELY -

This is amateur stuff. Any good "pro" knows that it requires a certain amount of room for safe stopping. He knows that people in front do some funny things at times--stop without warning or turn without signalling. It is necessary to have ample room for stopping your vehicle or, at least, to avoid striking the one in front. On ordinary good pavement, when dry, the following distance should be one vehicle length for each 10 miles per hour of your speed. Thus at 30 miles per hour you should allow three vehicle lengths. This distance must be greatly extended under bad weather or street conditions. Defensive drivers always allow enough room.

INTERSECTIONS ARE DANGEROUS -

Intersections are dangerous because of many conflicting movements concentrated there and because it is there that pedestrian and vehicular traffic conflict or compete for the use of the intersection. There are at least eight different traffic conflicts at the average intersection. In some cases it is very difficult to see traffic approaching on the cross street. There is always a small percentage of persons who don't know the rules, some who forget, and more who deliberately disobey them. Traffic signals can get out of order and stop signs be obscured or knocked down. Reduce speed as you approach. If on a preferential street be sure the vehicle is under control and can be stopped quickly; look both ways, be sure it is safe, and then proceed cautiously. Do not overtake and pass another vehicle within the intersection. Obey all signs and signals.

SUDDEN STOPS -

The sudden stop is usually caused by one of two things. Either you have not allowed enough following distance, or you have let your attention wander from the street or road while driving, and then saw the car in front too late for a smooth stop. Sudden stops confuse the driver behind you; they often throw your vehicle into a skid. Sudden stops are kid stuff. They are another evil the "pro" driver avoids.

FRONT END COLLISIONS -

-2-

An accident in which you hit the vehicle in front of you is never excusable. It proves that you were either inattentive to the vehicle in front, following too closely to stop, expecting too much of your brakes, or you did not watch the situation shaping up ahead of the vehicle ahead. All of these are musts for good defensive driving.

BACKING -

Any way you look at it backing is an awkward movement. It is difficult for the one doing the backing to see and steer properly. It is difficult for the driver of the following vehicle to guess your speed or direction. The movement is dangerous for either the expert or the beginner unless he makes sure the way is clear during the entire movement. This may be done by having someone direct you, getting out to look, or you may do it with mirrors, but responsibility for safety rests on you as a driver. Back slowly and cautiously. Avoid backing wherever possible.

PULLING INTO TRAFFIC -

When you pull from a garage, driveway or side road it is your responsibility to stop before entering the street or road. You must enter it with caution, look both ways and wait for traffic. Whether entering from an angle, pulling from a curb, parking space, or merely changing lanes while in motion, it is always the responsibility of the driver changing lanes to see that it is done safely. One thing to remember when pulling on to rural highways is that it is difficult for you to enter from a full stop and accelerate to a reasonable driving speed in less than 15 seconds. In that time a car going 60 miles per hour will travel a quarter of a mile. If you obstruct his path you must make sure the other lane is clear. Otherwise there will probably be a pile-up with you in it, and you will be the primary cause.

PASSING -

Overtaking and passing is done correctly by the defensive driver who signals the driver ahead with the horn, waits for some indication that he knows he wants to pass, then passes on the left. He doesn't cut back until sure of clearance and- a most important thing- he doesn't start to pass until he is sure the way is clear. Before passing at night, dim lights, then switch to bright when ready to pass. Do not pass on curves, hills or in zones marked "No Passing."

Meeting and passing is different from overtaking and passing. Stay well over to the right - do not hug the center line. At night dim your lights as you approach and keep them dimmed until you have passed the vehicle.

WEAVING -

Defensive drivers stay in one lane as much as possible. It used to be sound advice for drivers of commercial vehicles to drive in the lane farthest to the right and always pass on the left, but on one-way streets this advice is not good. When entering one-way streets try to position your vehicle on the side of the street from which you will be leaving and avoid the other lanes. Any other method will find you on the wrong side of the street when you want to turn. Don't try to advance your position by skipping from one lane to another. You will gain little but headaches by such action. Defensive drivers don't weave.

SCHOOL ZONES -

School zones, parks, swimming pools and playgrounds are caution signs to the defensive driver. Children will be there. They are carefree and irresponsible, that means you must be the opposite-careful and responsible. Your care must be doubled-enough for you and them too. The defensive driver does not stop there, however. He realizes that more children are killed on the streets away from schools and playgrounds than close by. This is because they are usually in groups near these places and more easily seen. To the defensive driver a child anywhere is a danger sign and he keeps his vehicle under control so that he can stop within the clear distance ahead.

DRIVING UNCONSCIOUSLY -

Habit is a wonderful thing. Good driving habits are helpful. There are many things such as shifting gears, applying brakes, feeding gas, etc., that are best done by habit. We would be in bad shape if we had to stop and think about each particular action necessary in running a vehicle. Habits are useful in helping us do routine things-but we shouldn't drive unconsciously and expect habit to take us through. The route you have travelled for many years may have a bridge out today. The railroad with only one train a day has killed people who forgot that changing to daylight saving time did not change the train's time. The mere fact that a large majority of all accidents occur within 25 miles of home indicates that many people are driving by habit, that is-unconsciously. The defensive driver will be alert for changed conditions.

TELLTALES AS TO WHAT OTHER DRIVER IS GOING TO DO -

Many actions of others tip off the defensive driver to what is coming. Take vehicles parked at the curb. Many accidents occur each year, for example, when some driver pulls from the curb in front of or into the side of a passing vehicle. There are many clues to tell the observant driver that such accidents may occur-a slight movement of the wheels; lights being turned on at night; smoke coming from the exhaust-all of these are telltales that indicate accident situations.

Watch out also for cars plastered with stickers, raccoon tails attached to radio aerials, dents in the vehicle and "city slickers" wearing cowboy boots or wide motorcycle belts. These are probably signs of immaturity. Defensive drivers give these fellows a wide berth.

EXPECTING TOO MUCH PERFORMANCE FROM YOUR VEHICLE -

Some drivers never seem to learn how much performance to expect from a vehicle. They try to sprint out of a tight spot with a heavy load and seem surprised when they lag long enough to get into trouble. They think they can stop on a dime no matter what the speed or pavement condition. They think they can see obstacles in the road, with their headlights much farther than is possible. These people always seem deeply hurt when their driving ability is questioned. It is, they say, due to vehicle defects rather than the driver. We wish it were possible to shift the blame merely by saying so, but in nearly every case of alleged vehicle failure it was due to driver faults instead. Let's learn what to expect from our vehicle.

CARE OF THE VEHICLE -

The driver is responsible for knowing the condition of his vehicle and for reporting defects promptly for repairs. Quite often defects occur after you are away from the garage. You are the one responsible for getting them fixed. Major defects call for immediate repairs. Minor defects may wait until you return to the garage for repairs. The decision is up to you. You are the skipper of the craft. But, if the decision is to postpone repairs until the end of the trip, then you must be sure to make allowances for these defects. Many defects discovered on the road may be avoided if, before starting, you check lights, reflectors, brakes, horn, windshield wipers, rear view mirrors, tires, steering and emergency equipment.

DRIVE DEFENSIVELY AT ALL TIMES

CHAPTER 467, OREGON LAWS OF 1957
(H. B. #741)

Inasmuch as many members of the Bureau of Police are interested in water craft, the following new statutes are published by the Police Academy for all concerned.

Section 1. As used in this Act:

(1) "Boat" means any vessel (including but not limited to rafts, canoes, skiffs, dinghies, rowboats, sailing vessels or motorboats) less than 26 feet in overall length.

(2) "Motorboat" means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

LENGTH

Section 2. This Act applies to all boats less than 26 feet in overall length navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of any higher governing authority, in which case such laws or regulations shall prevail. This Act does not apply to vessels 26 feet in overall length or longer.

LIFE JACKETS

Section 3. All motorboats shall carry at least one U. S. Coast Guard approved life jacket, life preserver, ring buoy or buoyant cushion for each person on board.

LIGHTS

Section 4. (1) Every motorboat shall carry the following lights from sunset to sunrise:

(a) A bright, white light aft to show all around the horizon visible for a distance of one half mile or more.

(b) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port so fixed as to throw a light from dead ahead to two points abaft the beam on their respective sides, and visible for a distance not less than one half mile.

(2) Boats not propelled by machinery, when under way, shall carry on board from sunset to sunrise but not fixed to any part of the boat a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of one half mile or more and shall display such lantern or flashlight in sufficient time to avoid collision with another boat.

(3) Sailboats (including those with outboard motors), propelled by sail and machinery or by sails alone, shall carry a bright white light, preferably aft, to show all around the horizon. In addition, such boats when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Every white light prescribed by this subsection shall be visible for a distance of one half mile or more.

(4) Sailboats with inboard engines are subject to the same light requirements as motorboats.

(5) As used in this section, "visible" means visible on a dark night with clear atmosphere.

MUFFLERS

Section 5. No person shall use a boat propelled in whole or in part by gas, gasoline or naphtha unless the boat is provided with a stock factory muffler, underwater exhaust or other modern devices capable of adequately muffling the sound of the exhaust of the engine. Adequately muffling the sound of the exhaust means that the motor's exhaust at all times is so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine is an inadequate muffling device.

WHISTLES

Section 6. Motorboats which are less than 26 feet in overall length but greater than 16 feet in overall length shall be provided with a mouth, hand or power operated whistle capable of producing a blast of two seconds or more duration and audible for at least one half mile.

CARBURETORS

Section 7. Carburetors on all engines of motorboats, other than outboard motors, shall be fitted with a U. S. Coast Guard approved device for arresting backfire.

VENTILATION

Section 8. Motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel compartment in order to remove any inflammable or explosive gases. Motorboats so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times are not required to be fitted with such ventilators.

FIRE EXTINGUISHERS

Section 9. All motorboats shall have on board in good condition and fully charged at least one U. S. Coast Guard approved portable fire extinguisher.

SPEED

Section 10. (1) Every operator of a motorboat shall at all times navigate the motorboat in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of any person.

(2) Reckless navigation of a motorboat includes operating the motorboat in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the state or unnecessarily endangers other boats therein, or the life and limb of any person.

(3) No person shall operate any motorboat at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

(4) Nothing in this Act is intended to prevent the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government from attempting to attain high speeds on a marked racing course.

RIGHT-OF-WAY

Section 11. (1) When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat shall bear to the right and pass the other boat on its left side.

(2) When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

(3) One boat may overtake another on either side but shall grant right of way to the overtaken boat.

ANCHORING IN CHANNEL

Section 12. (1) No person shall so anchor a boat for fishing or other purpose on any body of water over which the state has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats.

(2) No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

PASSENGERS - - CARGO

Section 13. No boat shall be loaded with passengers or cargo beyond its **safe carrying capacity**, taking into consideration weather and other normal operating conditions.

SEATING

Section 14. (1) No person operating a motorboat shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking over the bow of the boat while under way.

(2) Nothing in this section is intended to prevent passengers or other persons aboard a boat from standing on the decking over the bow of the boat in order to moor the boat to a mooring buoy or to cast off from such a buoy or for any other necessary purposes.

MOORING

Section 15. No person shall moor a boat to any of the buoys or beacons placed in any waterway by the authority of the United States or by the authority of a commission or subdivision thereof, nor in any manner hang on with a boat to such buoy or beacon.

LIQUOR - - NARCOTICS

Section 16. (1) No person under the influence of intoxicating liquor or narcotic drugs or barbitol, or who is a habitual user of narcotic drugs or barbitol, shall operate, propel or be in actual physical control of any boat.

(2) No owner of a boat or person in charge of or in control of a boat shall authorize or knowingly permit the boat to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbitol or any person who is a habitual user of narcotic drugs or barbitol.

ACCIDENTS

Section 17. The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner, to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office.

Section 18. (1) Violation of Section 10 of this Act is a misdemeanor.

(2) Except as provided in subsection (1) of this section, violation of any provision of this Act is punishable, upon conviction, by a fine not exceeding \$100.

Section 19. (1) Nothing in Sections 1 to 18 of this Act is intended to affect the provisions of ORS 163.340, 488.060, 488.070 or 783.610 or ORS Chapter 487.

(2) The provisions of Sections 1 to 18 of this Act are in addition to and not in lieu of any other statutes.

Section 20. ORS 488.010, 488.020, 488.030, 488.040 and 488.050 are repealed.

* * * * *

154 - Continued.

culties, he should recognize the sanctity of the home and endeavor diplomatically to quell the disturbance and create peace without making an arrest.

155 - CITIZENS ARREST: A private person may arrest another for the causes specified in Section 142, in like manner and with like effect as a peace officer without a warrant. (ORS '133.350)

An officer may without warrant take before a magistrate a person who, being engaged in a breach of the peace is arrested by a bystander and delivered to him.

A private person who has arrested another for the commission of a crime shall without unnecessary delay take him before a magistrate or deliver him to a peace officer. (ORS 133.560)

156 - OFF DUTY ARRESTS: At all times a police officer is responsible for the enforcement of the criminal laws and ordinances and shall be ready to respond promptly to any call such responsibility entails and to perform faithfully any task it may demand irrespective of whether at the particular time he is on or off duty. This does not mean that each police officer must take police action in any and all neighborhood quarrels, domestic troubles, or at any other time he may be called upon. There is a definite dividing line between the situations that he CAN handle and situations that he MUST handle. An off duty officer should make an arrest if a crime is being committed in the presence of the officer; if life or property is threatened; or if the situation is of an emergency nature that cannot wait for the arrival of on-duty officers.

157 - RIGHT TO BREAK DOOR: Force officers may use to execute warrant in a house. The officer may break open any outer or inner door or window of a dwelling house, or otherwise, to execute the warrant, if after notice of his authority and purpose, he is refused admittance. (ORS 133.290)

Force officers may use to arrest without warrant in a house. To make

157 - Continued.

an arrest, as provided in Section 142, the officer may break open any door or window as provided in ORS 133.290 and 133.300, if, after notice of his office and purpose, he is refused admittance. (ORS 133.320)

158 - RIGHT TO BREAK OUT OF BUILDING: Force officer may use to liberate himself or another. The officer may break open any outer or inner door or window of a dwelling house, or otherwise, for the purpose of liberating a person who, having entered for the purpose of making an arrest, is detained therein, or when necessary for his own liberation. (ORS 133.300)

159 - RELIEVE PRISONER OF DANGEROUS WEAPONS: After making an arrest the officer shall take from the person arrested all dangerous weapons or questionable articles which he may have about his person. Any weapon, after investigation, could be the basis for another charge. The officer should place that charge and the weapon should be sent to the property room as evidence. Any article, such as a small knife or instrument that could be used as a weapon, but is not useable as evidence, should be removed and given to the wagon crew and placed in arrested person's property.

160 - MAY INVESTIGATE SUSPICIOUS PERSON: A police officer may stop and question any person carrying bundles or parcels at unreasonable hours or under suspicious circumstances or anyone whom he may have reason to suspect of unlawful design, and may demand of him his business and where he is going. Courts have upheld officers who made honest mistakes in making such arrests. In these cases an officer must use his best judgment. This authority must be exercised with great caution.

161 - ARREST OR DETENTION OF JUVENILES: No juvenile under constraint or conviction actually or apparently under the age of eighteen years shall be placed or detained in any station house, jail, or other place of confinement used for the incarceration of adult prisoners; nor shall they be transferred in a patrol wagon or in any

NARCOTICS AND CHINESE TONGS

Generally associated with the traffic in Narcotics on the Pacific Coast for many years has been a group of Chinese associations usually banded together for business reasons, and known as Tongs. These groups have been directly responsible for the illegal importation of opium and heroin from Asia into the United States.

Large seaports of entry such as Los Angeles, San Francisco, Portland, Seattle and Vancouver, B. C., are homes of these Tongs and are considered to be seats of wholesale narcotic traffic by the Tongs. These Tongs were started about 100 years ago during the mass immigration of Chinese into the United States for labor gangs, especially for the building of transcontinental railroads. It was only natural that these people, being unable to understand, read or write English found it difficult to get along in communities. Therefore a banding together was only natural and the Tongs were started as a speaking voice for the Chinese, especially in labor controversies.

Again, as in such organizations, the strong men went to the top. Those with influence that could master the English language and by political connections help the laboring Chinese became all powerful in the administration of the Tongs. As time went on, Tongs became responsible for the bankrolling of illicit importation of drugs, the setting up of illegal gambling operations, and even legitimate business in the various coastal Chinatowns.

The largest Tongs in the country are the On Leongs and the Hip Sings. These are of a national character, having local "chapters" in most large cities of the coast, the East and Middle-West. There are several smaller Tongs that operate on the same basis as the larger.

At the present time in Portland, we have the Bing Kong Tong, a subsidiary of the national On Leongs. This is by far the largest in the country and has been proven to be the largest handler of illicit drugs and underworld activity of any of the other groups. It was this Tong that was responsible for the murder of a U. S. Bureau of Narcotics District Supervisor in the Middle-West a few years ago. Also, in Portland, are the Hip Sing Tong and the Hop Sing Tong.

Within the Tongs, elections are held each year and a President and other officers are elected. These are generally English speaking Chinese who have local political connections. By far the most important post in the Tong is an English speaking Secretary whose job is that of a fixer, buffer, arranger and go-between. In the days of the Tong wars, the price for the murder of Tong officials was graduated in scale according to their position, but the murder of the Secretary would bring the highest fee.

NARCOTICS AND CHINESE TONGS

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Generally the reasons that little is known regarding the Tongs and their operations by most police officers is that:

1. The barrier of non-communication in languages.
2. The ordinary police officer does not get into Chinatown often on official duty, because the Chinese are basically a quiet people, stay to themselves and cause little trouble for the police.
3. It is very difficult without practice to identify a specific Chinese person.
4. The Chinese language consists of many dialects, but is generally the same when written.

5. Chinese use their surname first and have as many as five given poetic names according to the generation of their birth.

By far, the greatest exporter of illegal opium and heroin in the world today is Red China. Drugs are imported to the United States through Japan, Hong Kong, Korea and Formosa, by many means, such as merchant seamen, military personnel, and couriers using the airlines. Because of such large areas to be covered and an extreme shortage of qualified personnel, enforcement is difficult. Large seizures are made generally as a result of advanced information or through long time surveillance of a particular suspect.

The traffic in illegal drugs is a big business with the Tongs, but it must be noted that with the dying off of the old country Chinese and former members and officers of the Tongs, illegal operations of the Tongs have been somewhat curtailed. Most Chinatowns are diminishing in size and much of the Tong activities are connected with legitimate business.

Within the Tongs, elections are held each year and a President and other officers are elected. These are generally English speaking Chinese who have local political connections. By far the most important post in the Tong is an English speaking Secretary whose job is that of a fixer, buffer, arranger and go-between. In the days of the Tong wars, the price for the murder of Tong officials was graduated in scale according to their position, but the murder of the Secretary would bring the highest fee.

SICILIAN MAFIA AND DOPE TRAFFIC

This is a brief historical background of the Sicilian Mafia relating to how this organization came into existence and maintains a constant hold on the big crime cartels of the United States including the illegal importation and trafficking in Narcotics.

Although the activities of the Mafia have been cloaked in secrecy for many years, certain facts have been established by Italian and American Police Agencies that indicate it to be a very real and established organization. Originally in Sicily, the Mafia was born as a creature of oppression and consisted of people that were mountaineers, physically tough and fiercely independent. In 1934, the Supreme Court of Italy stated that the Mafia consisted of "Peoples associating and bound to acts of crime against the people, to-wit - the name Mafioso".

It was natural that in such an organization, men of tough character, exploiters, went to the top of the organization for lack of law and order. A typical example of the way this organization would operate is that if the sum of \$100 was stolen, the Mafia would give \$5 to the poor, and thereafter were revered and followed by the peasants for the sake of the \$5 gift. They were looked upon in the beginning as sort of Robin Hoods or protectors.

Slowly, entry to the United States was made through legal means and illegal means. Migration was into large cities and into Italian communities where old ties and associations were renewed. Close family and blood associations were continued from the old country. Many went into legitimate enterprises, but maintained old ties of the Mafia, both in legitimate business and in the underworld.

The organization was bound by strict rules of conduct that were a result of many years of blood associations and family integration. Sicilians were taught practically from childhood that if they were struck or injured in any way to turn the other cheek and the Mafia would retaliate, usually a long time afterward. Generally the punishment was death. This was particularly true for violators of the rules as set forth by the Mafia itself.

Many present day gang killings are the end result of a move or violation of conduct against the Mafia, the original reason being so far back and obscure that the reason for the killing is almost impossible for the police to ascertain. These methods were also born of a criminal habit of life that had been maintained for generations, and subsequently passed on to the second and third family generations.

SICILIAN MAFIA AND DOPE TRAFFIC

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Slowly syndicated crime policed by the Mafia moved from city to city until complete control was exercised over all types of legitimate business. The typical method of operation was of a muscling-type of pressure and behind the scenes, bankrolling. The Mafia is always ready for any type of money making racket and they maintain an intelligent, skillful approach to discipline to enact a penalty of death.

It has long been established that the Mafia is responsible for the illegal importation of heroin and opium into the United States from Europe and the Middle East. They are unquestionably the largest handlers of illegal dope entering the United States today, with large seizures and constant arrests by police agencies being only a temporary deterrent. Narcotic trafficking is the underworld's most lucrative racket after illegal gambling. In 1955, addicts paid upward of \$300,000,000 for heroin alone.

A recent U. S. Senate Sub-Committee on Crime revealed that the Narcotics underworld from which the flow of illegal heroin stems is a tightly knit fraternity of about 500 racketeers who have an army of small time and minor mobsters and street peddlers under them. At the top are some 20 prime movers concentrated in New York, with junior partners in Chicago and on the West Coast, who control drug smuggling from abroad and bulk distribution to a network of gangs throughout the country.

These men handle nothing less than kilos (1000 grams or about 2.3 lbs.) of heroin at a time. The members of this upper echelon are almost all of Sicilian birth or extraction, know or are related to each other, abide by the traditions of the Mafia, the ancient Sicilian criminal brotherhood and operate in remarkable harmony. But if one of them breaks the rules by informing or invading territory under the control of another, his life is abruptly terminated by bomb, knife or shotgun.

Beneath the top movers of kilos are handlers of quarter-kilos, the ounce, bindle or "deck" handlers who adulterate their heroin down to 4 and 5% pure. Originally about 88% pure, the total profit along the way is 50 times what the original heroin cost in France, Italy or the Near East. The kilo handlers are the most circumspect of all gangsters. They rarely handle a package of heroin themselves but conduct their negotiations through an elaborate system and chain of Lieutenants. Always flanked by competent attorneys, they know the Narcotic Laws and their loopholes. Their political influence is often formidable. For example, Nicolo Impastato came to the United States from Sicily in 1927 without benefit of the usual immigration formalities. By 1942,

SICILIAN MAFIA AND DOPE TRAFFIC

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Impastato was second in command of a heroin syndicate based in New York, Kansas City and Tampa, doing an annual business of \$900,000.

He was arrested that year for trafficking and sentenced to two years imprisonment. Shortly after his release, the Government's principal witness in the case, Carl Carramusa, was assassinated by two blasts from a sawed-off shotgun. In 1951, the Department of Justice moved to deport Impastato. His attorney's held up the expulsion for four years, and in 1955, Senators Olin Johnston and William Langer introduced a private bill (S. 212) to prevent Impastato's deportation. But the Kansas City press, which had followed the gangster's activities for years, protested with such effect that the bill was quashed. To escape involuntary deportation, Impastato finally left the United States in 1955.

Constant vigilance in police undercover work and contacts and continued large seizures both by American and Italian authorities all help to curtail activities of the Mafia in illegal dope traffic. Heavy mandatory prison sentences are being meted out all over the country and are the strongest deterrent to date.

4 August, 1959

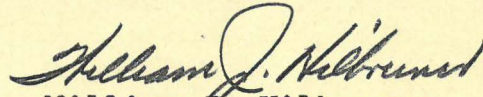
To: All Personnel

Subject: New Laws passed by 1959 Legislature

The 1959 session of the Oregon State Legislature passed many bills of vital interest to the members of the Bureau of Police. These acts will become effective on August 5, 1959 unless a different date is prescribed in the bill.

The Training Division is processing these bills and will soon be publishing them for the information of the members. Underlined material will be new sections or changed wording in the law.

As these new laws are published, members will place them in their 8 $\frac{1}{2}$ x 11 notebooks and shall familiarize themselves with the changes and new material therein.



William S. Hilbruner
Chief of Police

1959 Session Laws

Oregon State Legislature

Bulletin #1

Controls on Ambulances

Section 1. ORS 483.120 is amended to read as follows:
483.120. (1) The speeds designated in or pursuant to ORS 483.102 to 483.118 and the provisions of ORS 483.128, 483.130 and 483.136 shall not apply to authorized emergency vehicles, other than ambulances, when operated in emergencies and the drivers thereof sound audible signal by bell, siren or exhaust whistle.

(2) The driver of an ambulance may sound a bell, siren or exhaust whistle only in cases where it is necessary to clear a way through congested traffic and shall display the required flashing red lights, only when such ambulance is on actual call.

(3) No person shall drive an authorized emergency vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections and any other conditions then existing.

1959 Session Laws
Oregon State Legislature
Bulletin #2

Procedures Relating to Suspended Operators' Licenses.

Section 1. ORS 482.510 is amended to read as follows:

482.510. (1) When a person becomes eligible for reinstatement as a motor vehicle operator, under ORS 482.480 or 482.500, the department may issue to him a special license bearing such restrictions as may be recommended by the convicting magistrate. Any person holding such a restricted license shall be subject to ORS 482.280.

(2) Whenever the suspension or revocation of the license, permit or right to apply for a license of any person is based upon a conviction for a law violation, and the department thereafter is notified in writing by the judge before whom the conviction was had that such person has taken an appeal from the conviction, the department immediately shall rescind the suspension or revocation. If the conviction is affirmed on appeal, or if appeal is dismissed or is not perfected within the statutory period, the department shall suspend or revoke the license, permit or right to apply for a license, the suspension or revocation of which was rescinded because of appeal.

1959 Session Laws
Oregon State Legislature
Bulletin #3

Section 1. ORS 481.235 is amended to read as follows:

481.235. (1) Except as otherwise provided in this section and in subsection (3) of ORS 481.265, the number plates or identification plates assigned as provided in ORS 481.230 shall remain with the vehicle for the period or registration mentioned in the application therefor.

(2) The department may select permanent number or identification plates consisting of a main plate and a yearly insert plate bearing the last two numbers of the year for which the license is issued, in which event the main number or identification plate assigned, or the numerals, letters or characters thereon, shall remain with the vehicle as long as the vehicle is required to be licensed in this state, and the yearly insert plate shall remain with the vehicle for the period of registration mentioned in the application therefor.

(3) The department may allow registration plates to be transferred to another vehicle upon receipt of an application therefor, together with a fee of \$5, this fee to be in addition to the regular registration fee.

(4) In the event of the loss, destruction or mutilation rendering illegible a number, identification, or yearly insert plate, the owner of a registered vehicle to which the plate is assigned shall obtain from the department a duplicate thereof upon filing in the office of the department, on forms prepared by it, an application showing the fact and the payment of a fee of \$1 per number or identification plate, or 50 cents per insert plate.

1959 Session Laws
Oregon State Legislature
Bulletin #9

Loitering around schools.

Section 1. ORS 166.060 is amended to read as follows:

166.060. (1) The following described persons are guilty of vagrancy and shall be punished upon conviction by imprisonment in the county jail for a period not exceeding six months, or by a fine of not more than \$100, or both:

(a) Every person without visible means of living, who has the physical ability to work, and who does not for the space of 10 days seek employment, nor labor when employment is offered him.

(b) Every beggar who solicits alms as a business.

(c) Every idle or dissolute person, or associate of known thieves, who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, car or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession there.

(d) Every lewd and dissolute person who lives in or about houses of ill-fame.

(e) Every common prostitute.

(f) Any person who is not enrolled as a student or who is not employed by the public or private school and who, without a lawful purpose therefor, wilfully loiters about any public or private school building or the public premises adjacent thereto, or any person who conducts himself in a violent, riotous or disorderly manner, or uses any abusive or obscene language in any street or highway, house or place whereby the peace or quiet of the neighborhood or vicinity may be disturbed.

(2) Circuit, district and justice courts have concurrent jurisdiction over actions brought under this section.

1959 Session Laws
Oregon State Legislature
Bulletin #10

Relating to Defrauding Another Person.

Section 1. ORS 136.560 is amended to read as follows:
136.560. Upon a trial for having by any false pretense obtained the signature of any person to any written instrument or obtained from any person any valuable thing, no evidence can be admitted of a false pretense expressed orally and unaccompanied by a false token or writing.

Section 2. ORS 164.310 is amended to read as follows:
164.310. (1) Any person who steals the property of another, or who wilfully takes, carries, leads or drives away the property of another with the intent to deprive such other of such property permanently, is guilty of larceny; and

(a) If such property exceeds \$75 in value, shall be punished upon conviction by imprisonment in the penitentiary for not more than 10 years.

(b) If such property does not exceed \$75 in value, shall be punished upon conviction by imprisonment in the county jail for not more than one year, or by a fine of not more than \$500, or both.

(2) As used in subsection (1) of this section "property" means any real or personal property, including but not limited to:

- (a) Any goods or chattels.
- (b) Any government note, bank note, coin, money, promissory note, bill of exchange, bond or other thing in action.
- (c) Any book or accounts or order or certificate concerning money due or to become due or goods to be delivered.
- (d) Any deed or writing containing a conveyance of land or any interest therein.
- (f) Any valuable contract in force.
- (g) Any receipt, release, or defeasance.
- (h) Any writ, process, or public record.
- (i) Any railroad, railway, steamboat or steamship passenger ticket or other evidence of the right of a passenger to transportation.

1959 Session Laws
Oregon State Legislature
Bulletin #11

Penalties for Drunken and Reckless Driving

Section 1. ORS 483.992 is amended to read as follows:

483.992. (1) Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, is guilty of reckless driving and shall be punished:

(a) Upon conviction, by imprisonment in the county or municipal jail for not more than 90 days, or by a fine of not more than \$500, or both.

(b) Upon a second or subsequent conviction, by imprisonment for not more than six months, or by a fine of not more than \$2,000, or both.

(2) Any person who, while being under the influence of intoxicating liquor, barbiturates or narcotic drugs, drives any vehicle upon any highway, street or thoroughfare within this state, shall be punished, upon conviction, by imprisonment in the county or municipal jail for not more than one year, or by fine of not more than \$1,000 or both.

1959 Session Laws
Oregon State Legislature
Bulletin #12

Increases Rate to pay off fines.

Section 1. ORS 137.150 is amended to read as follows:

137.150. A judgment that the defendant pay a fine shall also direct that he be imprisoned in the county jail until the fine is satisfied, specifying the extent of the imprisonment, which notwithstanding any other provision of the law to the contrary, shall not exceed one day for every \$5 of the fine. In case the entry of judgment should omit to direct the imprisonment and the extent thereof, the judgment to pay the fine shall operate to require the imprisonment of the defendant until the fine is satisfied at the rate above mentioned.

Remainder of law is basically unchanged.

1959 Session Laws
Oregon State Legislature
Bulletin #13

Restrictions on supplying articles to prisoners.

Section 1. ORS 169.130 is amended to read as follows:

169.130. (1) In addition to the prohibitions contained in ORS 162.330 and 475.090, no person shall give or sell to an inmate of a county jail any article or beverage, without obtaining the permission of the sheriff, jailer or keeper.

(2) Violation of this section is a misdemeanor.

1959 Session Laws
Oregon State Legislature
Bulletin #14

Relating to Abandoning Domestic Animals

This entire section is a new statute.

Section 1. Any person who wilfully abandons or deserts a dog, cat or other domestic animal shall be punished upon conviction by a fine of not more than \$500.

1959 Session Laws
Oregon State Legislature
Bulletin #15

Permits Detaining suspected Shoplifter.

This entire section is a new statute.

Section 1. Any person who wilfully conceals or takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment, without the knowledge or consent of the owner and with intent to convert the goods to his own use without paying the purchase price thereof, is guilty of shoplifting.

Section 2. Notwithstanding ORS 133.550 and subsection (2) of ORS 133.560, a peace officer, merchant or merchant's employe who has reasonable cause for believing that a person has committed the crime of shoplifting under section 1 of this Act may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.

Section 3. Where a peace officer, merchant or merchant's employe, with reasonable cause for believing that a person has committed the crime of shoplifting as defined under section 1 of this Act, detains and interrogates him in regard thereto, and such person thereafter brings against the peace officer, merchant or merchant's employe a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time.

Section 4. Any person who violates section 1 of this Act shall be punished upon conviction by imprisonment in the county jail for not more than one year, or in the penitentiary for not more than seven years.

1959 Session Laws
Oregon State Legislature
Bulletin #16

Civil Liability of Parents.

This entire section is a new statute.

Section 1. In addition to any other remedies allowed by law, the parent or parents having legal custody of a child 18 years of age or younger shall be liable in an action for damages, not exceeding \$100, resulting to real or personal property caused by any tort intentionally committed by such child.

1959 Session Laws
Oregon State Legislature
Bulletin #17

Relating to Release or Escape of Arsonists

Section 1. ORS 476.730 is amended to read as follows:

476.730. (1) The superintendent of each penal and correctional institution of this state and of each institution for the mentally ill shall, prior to the release, or immediately after the escape, from such institution of any person committed to such institution for arson or arsonist activity, notify the State Fire Marshal and the Department of State Police. The notice shall state the name of the person to be released or who has escaped, the county in which he was convicted or from which he was committed and, if known, the address or locality at which he will reside.

(2) Promptly upon receipt of the notice, the State Fire Marshal and the Department of State Police shall notify respectively the fire departments and fire protection districts and the sheriff and police departments of the county in which the person was convicted or from which he was committed and the county, if known, in which the person will reside.

1959 Session Laws

Oregon State Legislature

Bulletin #18

Licensing of Dogs (City Ordinance supersedes this state law)

Section 1. ORS 609.100 is amended to read as follows:

609.100 (1) Every person owning or keeping any dog which has a set of permanent canine teeth shall, not later than March 1 of each year or within 30 days after he becomes owner or keeper of such dog, procure from the county clerk of the county in which he reside, a license for the dog by paying to the county clerk a license fee. The fee for such license shall be determined by the county court in such amount as it finds necessary to carry out ORS 609.040 to 609.130. Such license fee shall not be greater than \$2 for each male or spayed bitch dog and not greater than \$3 for each female dog. If the person fails to procure such license within the time provided by this section, the county court may prescribe a penalty in an additional sum of not to exceed \$2 for each dog.

(2) The county clerk shall at the time of issuing such license and as a part thereof, supply the licensee, without charge, with a suitable metal tag, having legibly stamped with dies across one side thereof:

DOG (number of license) (name of county) Co., Ore., (year license issued)

The tag shall be prepared with holes at the top and bottom and shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee. Such license fee shall be the only license or tax required for the ownership or keeping of a dog within this state. No city, town or municipal subdivision thereof shall impose any further license fee for dogs. However, cities of 100,000 or more population may prescribe and impose a license fee which shall be in lieu of the license fee required by this section.

(3) This section does not apply to dogs owned by dealers, breeders or exhibitors where they are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders or exhibitors to and from a dog show or fair. No license shall be required for such dogs kept for such purposes until they are sold or otherwise disposed of to another person or permitted to run at large.

(4) No license shall be required to be paid for any dog owned by a blind person who uses it as a guide. A license shall be issued for such dog upon filing with the county clerk an affidavit by the blind person showing such dog to come within this exemption.

(5) The county clerk shall keep a record of such dog licenses in a special book for such purposes.

Oregon State Legislature

Bulletin #24

Relating to Motor Vehicles

Section 1. ORS 482.650 is amended to read as follows:

482.650. No person whose operator's or chauffeur's license, or whose right or privilege to operate a motor vehicle, or whose right to apply for a license to operate a motor vehicle in this state has been suspended or revoked, under any provision of law, shall drive any motor vehicle in this state during the period stated in the department's order of suspension or revocation. A license, permit or registration certificate issued by any other jurisdiction shall not constitute authorization for a person to operate a motor vehicle in the state during the period of such suspension or revocation.

Section 2. ORS 483.998 is amended to read as follows:

483.998. (1) Violation, by any driver, chauffeur or owner of any vehicle or combination of vehicles, of any provision of ORS 483.532 or any provision of any order made pursuant to ORS 483.532, except provisions limiting or reducing any gross weight, is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county or municipal jail for not less than 15 days nor more than 90 days, or both.

(2) Violation, by any driver, chauffeur or owner of any vehicle or combination of vehicles, of any provision of ORS 483.532 or any provision of any order made pursuant to ORS 483.532, limiting or reducing any gross weight, is punishable by imprisonment or by a fine based upon the excess weight by which any gross weight exceeds the gross weight as limited or reduced by the provisions of any order made pursuant to ORS 483.532, as follows:

(a) If the excess weight is 1,000 pounds or any fraction thereof, by a fine of not less than \$50.

(b) If the excess weight is more than 1,000 pounds but not in excess of 2,000 pounds, by a fine of six cents per pound for each pound of the excess weight.

(c) If the excess weight is more than 2,000 pounds but not in excess of 5,000 pounds, by a fine of not less than eight cents per pound for each pound of the excess weight or by imprisonment in the county or municipal jail for not less than 30 days nor more than 60 days, or both.

(d) If the excess weight is more than 5,000 pounds, by a fine of not less than 10 cents per pound for each pound of the excess weight, or by imprisonment in the county or municipal jail for not less than 60 days nor more than six months, or both. In addition, the court before which the conviction is had may recommend to the Department of Motor Vehicles the suspension of the driver's or chauffeur's license of the driver or chauffeur, or the suspension of the registration plates for the vehicle or for the vehicles in a combination of vehicles of the owner, for not to exceed 90 days.

Relating to Motor Vehicles - Continued

If the court recommends suspension of the driver's or chauffeur's license or the registration plates, it shall secure the driver's or chauffeur's license or the registration plates, and immediately forward them to the Department of Motor Vehicles with the recommendation. The Department of Motor Vehicles shall suspend the driver's or chauffeur's license, or vehicle registration plates, in accordance with the recommendation.

(3) If any driver, chauffeur or owner is convicted of a second or subsequent violation punishable under subsection (2) of this section within one year after the first conviction, the court before which the conviction is had, in addition to imposing the punishments provided in that subsection, shall recommend to the Department of Motor Vehicles the suspension of the driver's or chauffeur's license of the driver or chauffeur, or the registration plates for the vehicle or for the vehicles in a combination or vehicles of the owner, for not less than 30 days nor more than 90 days. The court shall secure the driver's or chauffeur's license or the vehicle registration plates, and immediately forward them to the Department of Motor vehicles with the recommendation. The Department of Motor Vehicles shall impose the suspension as recommended.

Section 3. ORS 486.301 is repealed.

1959 Session Laws
Oregon State Legislature
Bulletin #25

Public Employees working on Search Operations.

All new law.

Section 1. A public employe who takes part without pay in a search or rescue operation at the request of any law enforcement agency, the Director of Aeronautics, the United States Forest Service or any local organization for civil defense, shall not forfeit his wages while engaged in an operation for a period of not more than five days for each operation. If an operation continues for more than five days, the employing agency may allow the employe to continue to take part in the operation and to receive his wages for as long as the employing agency considers proper.

1959 Session Laws
Oregon State Legislature
Bulletin #26

Appeals from Justice Court

Section 1. ORS 157.020 is amended to read as follows:

157.020. An appeal can only be taken by the defendant, and by the defendant only when the judgment is that he pay a fine or be imprisoned.

This act eliminates the provision that the fine be more than \$20 before appeal can be made.

1959 Session Laws
Oregon State Legislature
Bulletin #27

Landowners must have Hunting License.

Section 1. ORS 497.040 is amended to read as follows:

497.040. (1) No license is required of persons under 14 years of age to hunt, trap, pursue or kill wild birds or wild animals or to take, catch or angle for game fish, except that all persons, regardless of age, including landowners hunting on their own land, are required to have a license and tag to hunt deer, elk and antelope.

(2) No license is required of a person who is a resident of this state or members of his immediate family who are residents of this state, to hunt, trap or angle upon his own land.

(3) No license is required of any person while angling for other than game fish, salmon or sturgeon in the waters of the Pacific Ocean and the bays and inlets containing the salt water of the Pacific Ocean.

1959 Session Laws
Oregon State Legislature
Bulletin #28

Relating to election offenses.

Section 1. ORS 260.640 is amended to read as follows:

260.640 (1) No elector shall wilfully leave in the polling place anything other than the official ballot which will show how he has prepared the official ballot.

(2) No elector shall, except as otherwise provided by law, allow his official ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, mutilate his ballot or place any distinguishing mark upon it whereby it may be identified.

(3) No person shall make a false statement as to his inability to mark his ballot.

(4) No person shall interfere, or attempt to interfere, with any voter when inside the polling place, or when marking his ballot.

(5) No person shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot.

(6) Nothing contained herein shall prohibit an elector from taking into the polling place or voting booth a marked sample ballot or other voting guide.

(7) Violation of this section is punishable, upon conviction, by a fine of not less than \$50 nor more than \$200.

1959 Session Laws

Oregon State Legislature

Bulletin #29

Traffic Control on School Property.

Section 1. The State Board of Higher Education may make, modify and abolish such rules and regulations as the board deems convenient or necessary to provide for the policing, control and regulation of traffic and parking of vehicles on the property of any institution, department or activity under the jurisdiction of and operated, maintained or controlled by the board. Any rules and regulations enacted by the board shall be filed in accordance with the provisions of ORS 183.010 to 183.040.

Section 2. All proceedings initiated to impose punishment for violation of any rules or regulations pursuant to section 1 of this Act shall be enforced in the name of the State Board of Higher Education in any district or justice court in the county in which the violation occurred. The fines, penalties and costs recovered shall be paid to the clerk of the respective court involved, who, after first deducting the court costs in such proceedings at the rate prescribed by law, shall pay the remainder of the fine or penalty to the State Board of Higher Education. The moneys so paid to the board and all fees and charges for parking privileges are hereby continuously appropriated to the State Board of Higher Education to be used to defray the costs of maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for motor vehicles at the various institutions, departments or activities under the control of the board.

Section 3. Every peace officer may enforce the regulations made by the board under section 1 of this Act. The board, for the purpose of enforcing its rules and regulations governing traffic control, may appoint peace officers who shall have the same authority as other peace officers as defined in ORS 133.170.

Section 4. The State Board of Higher Education and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules and regulations of the board enacted pursuant to section 1 of this Act.

Section 5. In all prosecutions for violation of motor vehicle traffic and parking rules and regulations enacted pursuant to section 1 of this Act, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.340.

Traffic Control on School Property - Continued

Section 6. Violation of any rule or regulation enacted by the board pursuant to section 1 of this Act shall be punished by a fine not to exceed \$10; provided, that a conviction under this section shall not be considered an offense for the purposes of ORS 482.430 or 482.450.

This entire section is a new law.

1959 Session Laws

Oregon State Legislature

Bulletin #30

Pertaining to Racial Discrimination.

Section 1. Section 2 of this Act is added to and made a part of ORS 659.010 to 659.110.

Section 2. As used in ORS 659.033, unless the context requires otherwise:

(1) "Person engaged in the business of selling real property" includes:

(a) A person who, as a business enterprise, sells, leases or rents real property.

(b) A person who sells, leases or rents real property in connection with or as an incident to his business enterprise.

(2) "Purchaser" includes an occupant, prospective occupant, lessee, prospective lessee, buyer or prospective buyer.

Section 3. ORS 659.033 is amended to read as follows:

659.033. (1) No person engaged in the business of selling real property shall, solely because of race, color, religion or national origin of any person.

(a) Refuse to sell, lease or rent any real property to a purchaser.

(b) Expel a purchaser from any real property.

(c) Make any distinction, discrimination or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection therewith.

(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

(2) No person shall publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on race, color, religion or national origin.

(3) No real estate broker or salesman shall accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof solely because of race, color, religion or national origin.

(4) No person shall assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section.

Section 4. ORS 659.034 and 659.034 are repealed.

1959 Session Laws
Oregon State Legislature
Bulletin #31

Parking on Highway Right of Way.

Section 1. Sections 2 and 3 of this Act are added to and made a part of ORS chapter 483.

Section 2. No person shall park a vehicle on a right of way described in ORS 483.346 for the purpose of advertising, selling or offering merchandise for sale.

Section 3. Violation of section 2 of this Act is punishable upon conviction by a fine of not more than \$25.

This entire section is a new law

1959 Session Laws
Oregon State Legislature
Bulletin #32

Use of Dealer's Vehicle License Plates.

Section 1. ORS 481.325 is amended to read as follows:

481.325. (1) Each dealer shall pay to the department an annual registration fee of \$30 except that the fee for a motorcycle dealer shall be only \$15. When a dealer is registered, the department shall forward to such dealer a registration certificate stating thereon the registration number of the dealer, and authorizing the use and operation over and along the highways of this state of all motor vehicles, trailers and semitrailers actually owned or controlled by such dealer and in actual use by him, the members of his firm, any salesman thereof or any person authorized by the dealer. Any vehicles operated under dealer's license plates may be used for the same purposes as are any other vehicles registered in this state for an annual fee as prescribed in paragraph (c) of subsection (1) of ORS 481.210. Any such vehicles operated under dealer's license plates issued by this state or any other state, country, province, territory or the District of Columbia shall be subject to the provisions of ORS 481.155 or 481.162.

(2) No motor vehicle, trailer or semitrailer operated under a dealer's license shall be loaned or rented with or without driver for hire or direct compensation.

(3) The department shall furnish to each dealer who is registered, one dealer's license plate, each with a number corresponding to the number of the certificate of registration, together with such other distinguishing marks as the department deems necessary. The dealer may obtain as many duplicate number plates as may be desired upon the filing of formal application therefor with the department and the payment of \$10 for each duplicate, except that motorcycle dealers shall pay only \$3 for each duplicate.

(4) Such number plates shall be displayed in the manner provided in this chapter upon each motor vehicle, trailer and semitrailer owned or controlled by the dealer when in operation over and along the highways of this state.

Section 2. This Act takes effect on January 1, 1960.

SERGEANT PAUL J. CLOSSETT

SQUAD NO. 2

REGULAR MONTHLY MEETING
ATTENDANCE RECORDSPECIAL
MEETINGS
RECORDEMERGENCY
CALL RECORD

NAME	BUS. PHONE	RES. PHONE	STAR NO.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.						
Ford, Harold	AT 5161 ¹⁰⁰ 246	TA 2990 ✓	2		✓	X								E	✓				✓
3 Cornwell, Frank	At 8431	EA 2831 ✓	87		✓	A								✓	✓				✓
Cochran, S.D.	EA 4106	AT 4572 ✓	11		E	✓								✓	✓				
3 Hill, Claud	GA 1191	GA 3852 ✓	67		✓	X								✓	✓				
Kirkland, H.A.	EA 7416	MU 2901 ✓	75		✓	X								✓					
3 Karstens, Theo	EA 7146	EA 8985 ✓	78		✓	X								✓	✓				
3 Narveson, H.	BR 7751	TA 9330 ✓	35		✓	X								✓					
Soller, F.W.	BR 8078	TR 3803 ✓	86		E	X								✓	✓				
3 Wohler, Benj. O.	EA 9868	GA 5629 ✓	62		✓	X								✓	✓				
3 MacMikil, Virgil	AT 0876	TA 3923 ✓	26		✓	X								✓					
Beddow, R. J. Jr.	BR 0560	GA 3877 ✓	95 (night school)		✓	X								✓	✓				
Sies, Herman	TA 4525	SE 2842 ✓	1		✓	X								✓	✓				
QUARTET---not to be called.																			
Cochran, J.E.	BR 0277	WA 8339	48		✓	X													
Edwards, W.A.	UN 1611	TR 5193	94																
Partis, L. C.	BR 0277	TA 4095	45																
Miller, H. J.	Br. 0277	GA 8637	38																
Tom Badley																			
Ken Morrison																			

PM - Oct 13 - 30
 544 Holloman 10/31/30

Nov 10 10:00 AM

SQUAD NO. 2

SPECIAL MEETINGS RECORD

EMERGENCY
CALL RECORD

RATHELLE PRINTING CO. T 4202

SQUAD NO. 11

**SPECIAL
MEETINGS
RECORD**

EMERGENCY
CALL RECORD

[illegible]

SEASON OPEN FROM DEC. 7, 1941
NO CLOSED SEASON

NO BAG LIMIT
NO LICENSE FEE

LICENSE No. 113,000,463

JAP HUNTING LICENSE

on all filthy yellow bellied japs

This certifies that

MAY USE ANY OR ALL MEANS OF EXTERMINATION OF THESE VERMIN
E. G. - KNIVES, FIREARMS, DYNAMITE, BRASS KNUCKS, OR POISON

BOUNTY PAID IN SATISFACTION

SERGEANT PAUL J. CLOSSETT

SQUAD NO. 2

REGULAR MONTHLY MEETING
ATTENDANCE RECORDSPECIAL
MEETINGS
RECORDEMERGENCY
CALL RECORD

NAME	BUS. PHONE <i>Long 326</i>	RES. PHONE	STAR NO.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.						
Ford, Harold	AT 5161	TA 2990	Corp.	✓						✓		✓							
F Cornwell, Frank	AT 8431	EA 2831	87	✓						✓		✓							
Cochran, S. D.	EA 4106	AT 4572	11	✓						✓		✓							
F Hill, Claude	GA 1191	GA 3852	67	✓						✓		✓							
F Kirkland, H. A.	<i>at 8888</i> EA 7416	<i>TA 2913</i> MU 2901	75	E						✓		✓							
F Karstens, Theo.	EA 7146	EA 8985	78	✓						✓		✓							
F Narveson, M.	BR 7751	TA 9330	35	✓						✓		✓							
Soller, F. W.	<i>at 7940</i> BR 8076	TR 3803	86	✓						✓		✓							
F Wohler, Benj. O.	EA 9868	GA 5629	62	✓						✓		E							
Beddow, R. J. Jr.	BR 0560	GA 3877	95	✓						✓		✓							
Sies, Herman	TA 4525	SE 2842	1	✓						✓		✓							
Miller, Henry J.	BR 0277	GA 8637	38							A									
Cochran, J. E.	BR 0277	WA 8339	48	✓						✓		E						E	
Badley, T. W.	BE 6161	BE 5519	20																
Morrison, K. P.	BR 0207	TR 9979	26	✓						✓		A						✓	
<i>Marshall A.W.</i>	<i>TR 2722</i>	<i>GA 7101</i>	<i>64</i>	✓						✓		✓						✓	

FIELD COUNTRY CLUB

10840 S. E. Powell Blvd.
Portland, Oregon

August 23, 1947

Mr. Martin Pratt, Sheriff
Multnomah County
County Court House
Portland, Oregon

Dear Sir:

The bearer, Otto C. Mills, is now working
at the Field Country Club on Saturday nights,
and I would appreciate it very much if you
would have him sworn in as a Deputy Sheriff.

Yours very truly,

George S. Field

I agree to hold you harmless from any act, or acts,
of any nature whatsoever, on the part of the said Otto
C. Mills while so engaged in the performance of his
duties, or while he is commissioned as a Special Deputy
Sheriff.

George S. Field

STATE OF OREGON
County of Multnomah

ss.

SPECIAL DEPUTY SHERIFF'S APPOINTMENT

I, MARTIN T. PRATT, Sheriff of Multnomah County, State of Oregon, reposing confidence in

OTTO C. MILLS, do hereby deputize and appoint him as SPECIAL DEPUTY SHERIFF OF MULTNOMAH COUNTY, State of Oregon, to perform the PARTICULAR ACTS ONLY as Special Deputy as are hereinafter enumerated to be performed without pay, and revocable at my pleasure. Said acts shall be as follows to-wit:

Wetabman, Field's Country Club

Special Deputy for the purpose of carrying concealed weapons: AND NONE OTHER WHATSOEVER.

It being distinctly understood that this appointment excludes said Special Deputy

OTTO C. MILLS, from exercising the power to levy any attachment or execution of any kind or character whatsoever or the power to pass upon the sufficiency of any bond or undertaking, or the powers of responsibilities set forth in Section 1-504; Chapter 1, of Title III; Title IV, of Oregon Code, Annotated, 1930, but the said Special Deputy's powers and duties shall be limited to the particular acts above mentioned to be exercised lawfully.

This appointment to be revoked at will of said Sheriff, and when so revoked such appointment shall cease and be null and void. This commission is void if used for any other purpose than that herein stated.

This Commission expires the DEC 31 1948 day of _____, 19____

Otto C. Mills

SIGNATURE OF PERSON IDENTIFIED

IN WITNESS WHEREOF, I have hereunto set my hand this 27 3rd day of September, 19 47

Martin T. Pratt

SHERIFF OF MULTNOMAH COUNTY, OREGON.

Pacific Coast International Assn. of Law Enforcement Officials

THIS IS TO
CERTIFY THAT Otto Charles Mills, Staff Sergeant



Veterans Guard & Patrol

Portland, Oregon

IS A MEMBER OF THE PACIFIC COAST INTERNATIONAL
ASSN. OF LAW ENFORCEMENT OFFICIALS, IN GOOD

STANDING UNTIL June 30, 1945

ALL PEACE OFFICERS ARE REQUESTED TO EXTEND TO BEARER USUAL COURTESIES

B. Egan
PRESIDENT

Joe G. ...
SECRETARY



John Fitzgerald Kennedy

35th President of the United States

Born May 29, 1917

Inaugurated January 20, 1961

Died November 22, 1963

"We have loved him during life, let us not abandon him, until we have conducted him by our prayers into the house of the Lord."

ST. AMBROSE

My Jesus have mercy on the Soul of
JOHN FITZGERALD KENNEDY

PRAYER

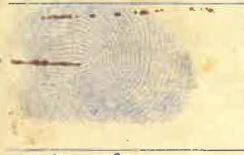
Incline Thine ear, O Lord, unto our prayers, wherein we humbly pray Thee to show Thy mercy upon the soul of Thy servant JOHN, whom Thou hast commanded to pass out of this world, that Thou wouldst place him in the region of peace and light, and bid him be a partaker with Thy Saints. Through Christ our Lord. Amen.

(Indulgence 500 days—Raccolta 600)

Pacific Coast International Assn. of Law Enforcement Officials

THIS IS TO
CERTIFY THAT

Otto Charles Mills



PRINT RIGHT INDEX FINGER

Staff Sgt. V. G. & P.
Portland, Oregon

IS A MEMBER OF THE PACIFIC COAST INTERNATIONAL
ASSN. OF LAW ENFORCEMENT OFFICIALS, IN GOOD

June 30, 1944

STANDING UNTIL

ALL POLICE OFFICERS ARE REQUESTED TO EXTEND TO BEARER USUAL COURTESIES

B. Egan
PRESIDENT

W. J. G. ...
SECRETARY

MARTIN T. PRATT
Sheriff of Multnomah County, Oregon

JUNE 4, 1948

JUNE - 1948

EMERGENCY PASS

Admit bearer through any emergency line
OTTO C. MILLS? (Union Pacific RR,

Martin T. Pratt
MARTIN T. PRATT, Sheriff

CS

Digest of
OREGON LAWS
CITY OF PORTLAND ORDINANCES
for
CHILD
PROTECTION
by
Oregon Congress of Parents and Teachers

★
AMUSEMENTS

Portland Police Code, Section 16-902. Parents are liable for permitting any child under 16 to participate in any public entertainment where admission is charged without written consent of the juvenile judge.

Subject to the following conditions:

No admission and no compensation to the child, no permit required.

No admission and compensation. Child Labor permit required.

Admission and no compensation. C. D. R. permit required.

Admission and compensation. C. D. R. and Child Labor permits required.

Girls between 16 and 18 as above, but no permit can be given for employment with compensation after 6 p. m.

Does not apply to churches, schools, or entertainments for charity. No girl under legal age shall take part in any entertainment open to men only.

Portland Police Code, Section 16-909. **HIRING CANOES.** No person shall allow a minor under 18 to rent or use a canoe. It is unlawful for any person to misstate his age or the age of another in order to obtain a canoe. It is unlawful for any person under 18 to rent or hire a canoe for use on the Willamette River.

Portland Police Code, Section 16-910. **TO GUARD AGAINST DROWNING.** Children under 16 are not allowed to bathe in any body of water in the city except the regularly conducted swimming pools.

Portland Police Code, Section 16-1001. It shall be unlawful for any person to swim in any river, stream, pool or natatorium used by both sexes without suitable bathing attire.

Portland Police Code, Section 16-319. It shall be unlawful to fish, swim, wade, or bathe in any of the parks except in places designated for such purposes.

Portland Police Code, Section 16-912. **CURFEW.** It is unlawful for any child under 18 to be in the street or public place between 9:15 p. m. and 6 a. m. during the months between September 1 and June 1, and after 10:15 p. m. the other months,

unless accompanied by a parent or guardian or other proper companions over 21 years of age, especially chosen by the parent or guardian to accompany the child on such occasion. *Any child violating this ordinance may be taken into custody; an officer may send the child home the first time, and notify the parents, guardian or custodian; or may, if deemed proper, hold the child for the Court of Domestic Relations. Any child who works at night or attends night school must first obtain a permit from the Child Labor Commission.*

Portland Police Code, Section 16-901. MASHING. It is unlawful for anyone to accost any female or to commit the act commonly known as mashing.

Portland Police Code, Section 16-1318. It shall be unlawful for any person to solicit acquaintance in any park, annoy or follow children or distribute obscene literature or in any way annoy another person.

Portland License and Business Code, Section 20-2917. DANCE HALLS. Dance hall proprietors, parents or guardians shall permit no person under 18 years of age to be in any dance hall after nine o'clock unless accompanied by parent or legal guardian. It is unlawful to misrepresent or falsely state age or to falsely claim guardianship or parentage of such minor.

Portland License and Business Code, Section 20-2918. The hall must be brightly lighted and shadow dances and moonlight dances are prohibited.

Portland License and Business Code, Section 20-2907. No person shall leave and re-enter a dance hall without paying the same fee as the original admission.

Portland License and Business Code, Section 20-2919. Smoking shall not be permitted in the dance hall proper, in any ante-room reserved for ladies, or in any hallway leading to such dance hall.

Portland License and Business Code, Section 20-7205. No minors allowed in pool rooms.

Portland License and Business Code, Section 20-2507. It shall be unlawful for any minors to go into, sit or remain in any public card room.

SOCIAL SAFEGUARDS

1940—Oregon Code, Section 63-401. Any person may petition the County Court (in Multnomah County, the Court of Domestic Relations) for leave to adopt a child, etc. After investigation, the Child Welfare Commission makes a confidential report to the Court.

1940—Oregon Code, Section 126-333. PERSONS FORBIDDEN TO PLACE CHILDREN—PENALTY. Private individuals, including midwives, physicians, nurses, hospital officials and all officers of un-authorized institutions, are forbidden to engage in child-placing work; except relatives of the first blood; and violation of this restriction shall be punishable by a fine of not exceeding one hundred dollars (\$100.00) for each offense.

Section 6 (If no Oregon Code 1940. AGE OF MAJORITY. The age of 21 years for both boys and girls. (Boys 18 years old. If minors 18 years old, may marry with the consent of their parents must be 18 years old.)

Section 23-420, Oregon Code 1940. Any person over the age of 16 years who shall carnally know any female child under the age of 16 years shall be guilty of rape. Penalty 3 to 20 years in the penitentiary.

Portland Police Code, Section 16-1006. It shall be unlawful for any person to perform, permit to be performed or participate in any marriage ceremony in any skating rink, dance hall, or theatre or similar public place licensed by the City of Portland.

Portland Police Code, Section 16-906. TOBACCO. It is unlawful to sell, trade, give or in any manner furnish tobacco in any form to persons under 21 years of age, even with the written consent of parent or guardian.

Portland Police Code, Section 16-907. It is unlawful for any person under the age of 21 years to use or have tobacco in his or her possession in any public place.

Oregon Code 1940, Section 115-205. Children under 16 may not operate motor vehicles without special permit. *(Parents are advised to make sure that children's bicycles and cars are completely equipped according to state law.)*

LIQUOR

Oregon Code 1940, Section 24-137. Liquor may not be sold to any one under twenty-one years, or to a person who has been interdicted.

No one except a parent, guardian, or other responsible relative may give liquor to a minor.

Oregon Code 1940, Section 24-122. The liquor license of a dealer may be cancelled or suspended if an officer finds, or has reasonable grounds to believe, the dealer has sold liquor to a minor.

Oregon Code 1940, Section 23-538. *(It is a misdemeanor for any person under the age of twenty-one years to misstate his age for the purpose of obtaining liquor.)*

Portland Police Code, Section 16-624. It is unlawful for any person to permit, or employ any person under 21 years of age to sell, or serve any alcoholic liquors and it is unlawful for any person under 21 years of age to sell or serve any alcoholic liquors.

Oregon Code 1940, Section 24-633. Causing of narcotic addiction in a minor is punishable for the first offense by imprisonment of 10 years, for the second offense, life imprisonment.

Portland Police Code, Section 16-1904. BEANSHOOTERS. It shall be unlawful to use, cause to be used, or encourage the use of any bean shooter or other similar contrivance, in or upon any street, park, lane or alley, or other public place in the City of Portland.

Portland Police Code, Section 16-911. It shall be unlawful to permit any person under 21 years of age to play any game of chance or skill by use of machine or device, whether a fee is charged or not.

Portland Fire Code, Section 14-1106. USE OF EXPLOSIVES. No one shall use fireworks, firecrackers, firearms, torpedoes, or explosives of any kind except under approved auspices and supervision.

Portland Police Code, Section 16-607. It is unlawful to sell or furnish firearms or ammunition to minors under 18 or for such minors to have them in their possession.

Portland Police Code, Section 16-1320. It shall be unlawful for any person to sound whistles in any park.

Portland Police Code, Section 16-1601. It shall be unlawful to shoot or discharge firearms at any live bird.

Portland Police Code, Section 16-1701. It shall be unlawful to create loud, disturbing or unnecessary noise.

Portland Police Code, Section 16-608. It shall be unlawful for any minor under 18 to have in his possession any dart, having a sharp metal tip or point, or for any person to sell or give such darts to a person of that age.

Portland Police Code, Section 16-606. It shall be unlawful for any minor to carry or discharge an airgun, or for any person to give or sell any airgun to a minor, or for parent or guardian to permit a minor to have any airgun in his possession.

Portland Police Code, Section 16-1903. It shall be unlawful to throw confetti, use ticklers, lamplblack or similar articles on the streets.

Portland Police Code, Section 16-1906. It shall be unlawful for any person to use any substance to cause personal discomfort, sneezing or coughing in any building or place where the public assembles.

Portland Police Code, Section 16-2303. Brush near schools is a public nuisance.

Portland Police Code, Section 16-2104. It shall be unlawful for any person to get on or catch hold of any street car while in motion.

Portland Police Code, Section 16-1621. It shall be unlawful for any person to beat, torture, misuse, deprive of food or water, or otherwise mistreat any animal.

EMPLOYMENT

Oregon Code 1940, Section 111-1801. SCHOOL ATTENDANCE. *(The law expects all children to complete the 8th grade.)* Between the ages of 8 and 16, children must be in school each day schools are in session, except:

1. Those who have completed the first eight grades.
2. Those whose physical condition makes school attendance impossible. *(Certified statement of competent physician required.)*
3. Those studying with parent or private tutor. *(Permit must be secured from the County School Superintendent.)*
4. Those studying in a private or parochial school may attend the said school if the school teaches the branches usually taught in the first eight grades of the public schools.

(If a child has not completed the eight grades by the time he is 16, he may take advantage of the Part Time School Plan, according to the provisions of the Child Labor Commission.)

Oregon Code 1940, Section 111-1802. In case any parent or guardian shall fail to comply with the school attendance law, he may be either fined or imprisoned, or both, at the discretion of the court.

Oregon Code, 1940, Section 111-3004. **SECRET SOCIETIES PROHIBITED.** Secret societies of every kind, including fraternities and sororities among pupils of any public school, including high schools, are unlawful.

Oregon Code 1930, Section 111-3005. It is the duty of school boards to suppress secret societies and to suspend or expel from school all pupils who engage in the organization or maintenance of secret societies.

Portland Police Code, Section 16-903. **NEWSPAPERS.** No parent may permit any boy under the age of 10 years or girl under the age of 18 years to sell any newspaper or magazine.

Portland Police Code, Section 16-905. Minors may not sell magazines or papers in street cars or bawdy houses.

Portland Police Code, Section 16-904. It shall be unlawful for any parent, guardian, custodian, or person having charge or control of any minor between the ages of ten and sixteen years to permit any such minor to sell, expose or offer for sale any newspaper, magazine or periodical during hours prohibited in curfew ordinance.

Portland Police Code, Section 16-1019. It shall be unlawful to sell, publish or give or have in possession any lewd, obscene or indecent book, magazine, pamphlets, pictures or articles.

Portland Police Code, Section 16-1702. Certain human endurance tests, such as walkathons, etc., are prohibited.

Oregon Code 1940, Section 23-1031. It shall be unlawful for any person, firm, corporation or society operating a public dance hall to employ or allow a minor under 18 years to conduct, or assist in conducting any public dance or to assist in or furnish music for public dancing.

Portland License and Business Code, Section 20-6711. Pawnbrokers, and second-hand dealers are not allowed to deal with minors.

Portland License and Business Code, Section 20-7903. No junk dealer shall deal with any minor under the age of 21.

Portland License and Business Code, Section 20-7903. Unlawful for second-hand book dealer to purchase or accept second hand school books, unless person has permit signed by principal or someone authorized by him of the public school in which the book was used.

Portland License and Business Code, Section 20-7906. It shall be unlawful for any person to sell second hand school books on the sidewalk, in the streets or in doorways of any building in the City of Portland.

Oregon Code 1940, Section 93-602. Children under 14 are not permitted to peddle or beg upon the streets nor to play any musical instrument upon the street for gain, nor to be used by any adult in so doing.

FEDERAL REGULATIONS FOR THE EMPLOYMENT OF MINORS

1. **AGRICULTURAL WORKERS** are exempt from both the federal and state regulations with reference to the employment of minors except growers of sugar beets and cane who are subsidized by the federal government to grow these crops. They are prohibited from employing minors under 14 years of age in the production, cultivation or harvesting of such crops by the federal regulations and no child between 14 and 16 years of age can be employed to work more than eight (8) hours in any one day.

2. **AND VEGETABLE PACKING PLANTS**—Minors between 14 and 16 years of age may be employed during school vacations in packing plants where no machinery is used in the plant, and no manufacturing is done in the plant. (Box making, whether by hand or nailing machine, is considered manufacturing.)

NOTE: The issuance of a minor's permit to the employer does not relieve him of responsibility if it develops that such permit was issued on misinformation.

Further information may be secured from the office of the Board of Inspectors of Child Labor, 1008 S. W. 6th Ave., Portland, Oregon.

PROTECTION OF NEGLECTED CHILDREN

Oregon Code 1940, Sections 126-340-48. Any person wishing to board one or more children under 18, not related to themselves must obtain a certificate from the State Public Welfare Commission after making application through the County Public Welfare Commission.

Portland Police Code, Section 16-913. If it shall appear to the Municipal Judge that any child is being neglected or maltreated or is dependent on the public for support, or whose environment is such as to warrant the state's assuming guardianship of said child, such child shall be placed in the custody of the Judge of the Juvenile Court.

Oregon Code 1940, Section 93-615. It is unlawful to confine anyone under 14 years in any jail. When any child is sentenced to confinement, he may not be brought into the same yard, building, or enclosure with adult convicts.

Oregon Code 1940, Section 26-1581. Whenever any woman or girl shall be taken into custody for the commission of any crime involving moral turpitude or is interrogated with reference to knowledge of the commission of such a crime before any committing magistrate, or is called as a witness, she shall be orally examined only, and by, or in the presence of, a woman officer. If a person so charged is sentenced, she shall be accompanied to her place of confinement by a woman officer.

Compiled by Vera Sowers, 1923.

Revised by Mrs. J. W. Louder, 1943.

EXPLANATORY NOTE: Only the gist of the laws and ordinances are given; they are not quoted word for word.

STATE OF OREGON - COUNTY OF MULTNOMAH
SPECIAL DEPUTY APPOINTMENT - 1945-1948

This is to Certify THAT

OTTO C. MILLS

Watchman, Field's Country Club

IS A DULY APPOINTED SPECIAL DEPUTY SHERIFF OF
MULTNOMAH COUNTY, OREGON



PRINT RIGHT INDEX FINGER

WITNESS MY HAND THIS 3rd DAY

OF September 1947

SHERIFF OF MULTNOMAH COUNTY

SIGNATURE OF PERSON IDENTIFIED

FORM SHERIFF 54

SERIAL NO.

5149

RT. THUMB

CITY OF PORTLAND, OREGON
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE
IDENTIFICATION CARD



NAME Otto C. Mills

OCCUPATION Clerk

EMPLOYED OR
SPONSORED BY S P & S

SIGNATURE

Otto C. Mills
G. Kelly

PAYOR

CHIEF OF POLICE



SPOKANE, PORTLAND AND SEATTLE RY. CO.

THIS IS TO CERTIFY that MR. O. C. MILLS ***,
an employee of **Spokane, Portland and Seattle Ry. Co.**, is
required in the performance of his duties to be on the streets
during black-out periods. The duties of the said employee are
essential to the continued operation of the railroad, and are of
an emergency character necessitating the use of automobiles on
city streets at all times of the night.

SPOKANE, PORTLAND AND SEATTLE RY. CO.

0192

By



Vice President and General Manager

NLPG # 410 or 412

AT. 9671
Ex. 28

- **801**fire
- 802 prowler
- 803 fight
- 804 riot
- **805**explosion
- 806 investigate dock
- 807 investigate street
- 808 investigate auto
- 809 bring in prisoner
- 810 bring in for investigation
- **811**call dispatcher by phone
- 812 radio silence
- 813 radio silence rescinded
- 814 black all lights
- **815**return to your base
- 816 be brief, to much talk
- 817 stop unnecessary trasnmission
- 818 cancel signal # _____
- **819**return to your base
- 820 return to your last assignment
- 821 air raid alert, yellow (possible)
- 822 air raid alert, blue (probable)
- 823 air raid alert, red (imminent)
- **824**departing upon assigned duty
- **825**secure at base
- 826 proceed to patrol launching
- 827 vessel entering harbor
- 828 vessel departing harbor
- 829 vessel docking at _____
- 830 vessel leaving dock at _____

GEO. L. BAKER
MAYOR

L. V. JENKINS
CHIEF OF POLICE

C. H. TICHENOR
CAPT. IN CHARGE

IRA F. COBE
SECRETARY

BISHOP WALTER T. SUMNER
CHAPLAIN

LIEUTENANTS

H. D. JENSEN

PAUL J. CLOSSET

VICTOR WELSH

DEAN H. KNOWLES

C. M. POMEROY

NORMAN A. THOMPSON

ADVISORY BOARD

MAYNARD COLE

BARNETT H. GOLDSTEIN

JOHN H. LUIHN

A. R. SAWTELL

PORTLAND POLICE RESERVE

430 1/2 EAST ALDER STREET

BET. EAST SIXTH AND SEVENTH

PORTLAND, OREGON

September 18, 1933.

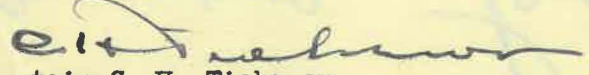
Lieut. P. J. Clossett
38 S.E. 44th Avenue
Portland, Oregon

Dear Sir:

A special Lieutenant's meeting will be held at
Sunshine Headquarters, Wednesday, September 20,
at 7 p.m., sharp.

Chief Lawson will preside.

Yours resepectfully,


Captain C. H. Tichenor

CHT MD

JOSEPH K. CARSON JR.
MAYOR
~~B. K. LAWSON~~ H. N. Niles
CHIEF OF POLICE

C. H. TICHENOR
CAPT. IN COMMAND

IRA F. COBE
SECRETARY

~~REV. P. M. BLANKINSHIP~~ H. F. Gelvin
CHAPLAIN

BISHOP WALTER T. SUMNER
CHAPLAIN (HONORARY)

LIEUTENANTS

H. D. JENSEN
PAUL J. CLOSSET
VICTOR WELSH
DEAN H. KNOWLES
C. M. POMEROY
NORMAN A. THOMPSON

ADVISORY BOARD

MAYNARD COLE
BARNETT H. GOLDSTEIN
JOHN H. LUIHN
A. R. SAWTELL

PORTLAND POLICE RESERVE

626 S. E. ALDER STREET

PORTLAND, OREGON

February 6, 1935

Paul J. Clossett
38 S. E. 44th Ave.
Portland, Oregon

Dear Sir:

The next regular meeting of the Portland Police Reserves will be held Monday, February 11, 1935, in the Court Room of the Police Station, at 2nd. and Oak Streets.

It is imperative that you attend, for there is to be a group picture taken, to be used in the publication of a Sunshine Division pamphlet.

Respectfully

C. H. Tichenor
Captain C. H. Tichenor

CHT: PAN

A Goodwill and Friendship Bond

Paul F. Cisset

Has Subscribed to the Fund to Secure

The George L. Baker First Aid Car

Presented by  Citizens of Portland
Commemorating

Thirty-five Years of Public Service [1898-1933] of the
Honorable George L. Baker, Mayor

No. **1057**

26

CHAS. H. & CO. PORTLAND, ME.

NAV PERS 117

BUREAU BUDGET 45-147

NAVY DEPARTMENT—TOBACCO RATIONING CARD

Expires 29 OCTOBER 1945—MILITARY

MILLS, Otto C.

6094-479

ISSUED TO

SER. NO.

SIGNATURE

T. J. FIRTH

LT. USCO

ACOPP, PORTLAND, ORE.

RANK

STATION

371499 C

1	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	11	12	12	13	13	14	14	15	15	16	16
1	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	11	12	12	13	13	14	14	15	15	16	16

26	25	22	19
26	25	22	19

24	21	18
24	21	18

23	20	17
23	20	17

23	20	17
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1—Only one card per person is authorized. Card is nontransferable.

2—This card is effective during the 26 week ration period which begins 1 May 1945 and ends 29 October 1945.

3—Two points per week are allowed. Point numbers refer to separate weeks in the ration period. Number "1" refers to first week; number "2" to second week; etc.

4—Ration points are effective only during applicable week. Ration card must be presented upon purchase of cigarettes, cigars, or smoking tobacco at a naval (or military) sales outlet within continental United States.

NOV 23 1949

CO. # 442
PORTLAND AUXILIARY POLICE
COLUMBIA PARK FIELD HOUSE TW. 5395

LT	OLIVER J.	5253 N. BOWDOIN	TW 2040
SGT	MILLS O.C.	7403 N. ATLANTIC	TW 5332
SGT	KLUGE A.E.	8507 N. HEREFORD	TW 2058
SGT	VIFIAN W.	7608 N. PORTSMOUTH	TW 6250
2073	ASBURY J.E.	1575 N.E. 118 th	—
2049	BURBANK B.	9213 N. POLK	UN 1283
2046	CULBERTSON R.F.	1807 N.E. 67TH	KE 3789
2053	HICKS M.	4027 N. ALASKA	TW 0634
2056	JENKINS C.R.	10564 N. MAPLELEAF	UN 1755
2047	KELLEY C.J.	9224 N. CHARLSTON	UN 4852
2058	LOVE R.	7217 N. JERSEY	UN 1971
2077	MASTERS F.W.	7628 N. OAKLEAF PL	UN 0142
2066	PEDERSON	6030 N. BOSTON	TW 5491
2068	RAYNOR C.	7214 N.E. WILLIAMS	MU 4104
2071	SMITH A.	5834 N. MISSISSIPPI	MU 6446
2075	SALVADORE R.	7236 N. DELAWARE	TW 6388
2072	STEVENS L.G.	10242 N. MOHAWK	UN 5178
2069	WOODS W.	10122 N. MIDWAY	UN 1659
2076	WALLACE M.F.	7232 N. WALL	

Mrs Underwood TU 2421

Clip This, Save Time, Trouble Many Agency Locations Set

Clip this and post it near your telephone. It may save you some shoe leather and precious rubber on your tires.

Since the start of all out war many federal and local agencies have taken on new duties in connection with the war effort. Some new agencies have been formed.

The dilemma of the average citizen is to know where to go or whom to call to find out what he can or should do to help or perhaps what he must do to comply with the law. The following information is designed to help dissipate the dilemma.

For almost any information regarding local civilian defense activities, try the Portland and Multnomah county defense co-ordinating office, 704 Public Service building, BEacon 7396.

The civilian defense volunteer office, 834 American Bank building, BRoadway 5629, is a clearing house for women who wish to do volunteer work in any phase of civilian defense. It also provides information in regard to any type of community service.

Are you looking for a defense job or a place to train for a defense job? The United States employment service, 1130 S. W. Stark street, ATwater 9553, will give you complete information. Try this service for any kind of job. All local claims for unemployment compensation are handled there, also. The agency maintains a farm placement office at 40 S. W. 3d avenue, same phone number.

Are you puzzled about rationing? Look up the local priorities division of the OPM, Bedell building, ATwater 7241. The contract distribution and labor supply divisions of the OPM are

headquartered here also.

Do you have information regarding possible sabotage or espionage by enemy sympathizers? Call the federal bureau of investigation, United States courthouse, ATwater 6171.

Nationals of enemy countries who have any queries about their status should call the United States district attorney's office, United States courthouse, ATwater 6171.

Any questions about defense bonds? Try defense bond headquarters, 722 Bedell building, BRoadway 1435.

Perhaps you want to get into one of the services which will take an active part in slapping the Japs. Try one of these:

Army recruiting service, main postoffice, N. W. Broadway and Glisan street, ATwater 6171.

Coast guard recruiting service, Pioneer postoffice, S. W. 6th avenue and Morrison street, BEacon 4966.

Marine recruiting service, United States courthouse, ATwater 6171.

Navy recruiting service, United States courthouse, ATwater 6171.

The American Red Cross maintains several offices active in war work, such as first aid, nursing, home service and home hygiene:

Multnomah county chapter, 314 S. W. 9th avenue, ATwater 8581, 8582 or 8583.

Production center, 1428 S. W. 12th avenue, ATwater 3926, has these units: Group sewing, BRoadway 1368; knitting, BEacon 9622, and Motor corps, BEacon 9444.

Red Cross Canteen service, ATwater 3671.

State Red Cross co-ordinating committee, 500 Columbia building, BRoadway 6253.

The newly formed Veterans Guard and Patrol is headquartered at S. W. 5th avenue and Main street, ATwater 6508, ATwater 6509 or ATwater 6510.

The Oregon Women's Ambulance corps is located at 443 Pittock block, BEacon 1774.

Name _____

Date _____

Identify the words listed at the right with the statement at the left. Place the number preceeding the word in the proper blank at the left.

- | | |
|---|-----------------------------|
| _____ 1. Decisions of our courts that serves as precedents. | 1. Forbearance |
| _____ 2. The one to whom goods are offered. | 2. Contract rate |
| _____ 3. Law passed by legislative bodies. | 3. Composition of Creditors |
| _____ 4. False representation or concealment of a present of past material fact. | 4. option |
| _____ 5. Assent or agreement to an offer. | 5. Statute of Frauds |
| _____ 6. A contract that may be rejected at the option of one or all of the parties. | 6. Valid |
| _____ 7. Unfair advantage gained through improper persuasion by one in whom you have a right to place trust and confidence because of relationship. | 7. Void |
| _____ 8. When an agreement is gained through the threat of force or act of violence. | 8. Common Law |
| _____ 9. Interest charged beyond the contract rate. | 9. Offeree |
| _____ 10. When all creditors of a debtor agree to accept a certain proportion of their claims in full satisfaction of the debtors obligation. | 10. Offeror |
| _____ 11. Refraining from doing what you legally have a right to do. | 11. Statutory Law |
| _____ 12. The maximum rate of interest that can be charged by law. | 12. Constitutional Law |
| _____ 13. A contract in which the offeror is given something as an inducement to keep the offer open. | 13. Acceptance |
| _____ 14. Laws stating that certain contracts must be in writing. | 14. Fraud |
| _____ 15. An agreement that has no legal force or effect. | 15. Voidible |
| | 16. Duress |
| | 17. Undue Influence |
| | 18. Usury |

In the blank at the left of each statement, write the number that represents the word, or group of words, that correctly completes that statement.

- _____ 1. An offer without consideration to keep it open for a certain length of time (1) May not be withdrawn (2) May be withdrawn before acceptance of the offer (3) Is called on option
- _____ 2. The withdrawal of an offer is effective when the letter of withdrawal is (1) written, (2) mailed, (3) Received by the offeree.
- _____ 3. An offer made by telegraph and accepted by mail becomes binding (1) when the acceptance is mailed, (2) when the acceptance is received by the offeror, (3) at no time
- _____ 4. As a general rule, a mistake made by one party without the knowledge of the other (1) has no effect of the agreement (2) renders the agreement void, (3) renders the agreement voidable
- _____ 5. If an offer does not state how long it will remain open, it terminates (1) at the end of a reasonable time, (2) only if the offeror revokes it, (3) only if the offeree accepts it
- _____ 6. If a man promises in writing to give a house to a girl if she will marry him, his promise is (1) valid, (2) void, (3) voidable
- _____ 7. If a contract is partly written and is partly oral, the entire contract is considered to be (1) written, (2) oral, (3) void
- _____ 8. Ordinarily a contract is discharged by (1) assignment, (2) performance, (3) subsequent impossibility of performance

Name _____

Com. Law

Date _____

Support your answer in each of the following cases with a reason or citation of the Principle of Law involved.

9. A company by wire offered to sell certain goods at a specified price. The offeree deposited its acceptance in the telegraph office at 11.16 a.m., and the offeror received the acceptance at 12.05 p.m. On the same day the offeror at 11.02 a.m. wired a revocation that was received by the offeree at 11.46 a.m. Was a contract formed? Why?

10. Ellison agreed on July 15 to purchase a used truck for the Merchants Transfer Company. Unknown to both Ellison and the Company, this particular truck had been destroyed by fire on July 13. Thereafter Ellison contended that the agreement with the company was void. Do you agree with this contention?

11. A man, while insane, purchased an automobile. Shortly thereafter he regained his reason. Learning of the fore-going transaction, he continued to use the automobile in his business. Some time later the seller brought an action to recover the agreed purchase price. Was he entitled to do so?

12. Jones, a minor, purchased a motorcycle from Smith, an adult. Six months later Smith contended that the contract was void because Jones was a minor and asked to have the motorcycle returned to him. Do you agree with Smith's contention?

13. Murphy sold to Crane a retail grocery business located in a certain suburban business district of a large city. As an inducement to Crane to make the purchase, Murphy promised that he would not operate a grocery store in the same business district for a period of 5 years. Was this promise enforceable?

14. Shelly owed the sum of \$10 to Clark. He promised to pay the debt in return for Clark's promise to give him a specified fountain pen. The debt was paid by Shelly, but Clark refused to turn over the pen. Was there sufficient consideration for the promise of Clark?

15. Collins was prepared and ready to start on a fishing trip. Doran promised to pay the sum of \$25 in return for Collins' waiting until the following week when Doran could go with him. Collins put off his trip as requested by Doran. Was there sufficient consideration for the promise of Doran?

16. Fuller offered to sell to Shields a double-barreled shot-gun. At the time of the offer Fuller stated that the fire-arm was "brand new and had never been used." Although he had seen Fuller use this gun while on a hunting trip, Shields contended that the agreement was voidable on the ground of fraud. Do you agree?

Name----- Com. Law Date-----

1. What 4 elements must all contracts have?

- a. c.
- b. d.

2. What is the 5th element necessary for some contracts?

3. In what 6 ways may an offer be terminated?

- a.
- b.
- c.
- d.
- e.
- f.

4. What is meant by the statement, "Minority is a shield, not a sword"?

5. List 4 groups that are generally held to be incompetent to contract?

- a. c.
- b. d.

6. Valid consideration to support a contract may consist of any one of three forms. What are they?

- a.
- b.
- c.

7. What 6 types of contracts must be in writing to comply with the Statute of Frauds?

- a.
- b.
- c.
- d.
- e.
- f.

SQUAD #2

Sept. 1. 1925

For Officer Bradley.

FORD HENRY

P.H.P Co Ankeny Barns At 5100
138 E. 69th St Taber 5981

BRUDER CARL F.

467 Emerson St RES & BUSS WAL 4671 or WAL 2651

AYERS REX C.

E. 33rd & Broadway GAR 8221
RES. 482 E. 32nd St. North GAR 6941

OLDER L. G.

PACKER SCOTT PAPER CO. BRD 5819
RES. TUDOR ARMS APRTS APRT#406 BRD 1711

HILL CLAUD

BUS. 37th & Belmont Ste GAR 1991
RES. 339 E. 40th St. North GAR 3852

HENNING A. V.

BUS. 610 Henry Bldg. BRD 8582
RES. 228 North 20th St Apt#22

Note change of address Ford.

Squad #2

Sept. 1. 1925

For Officer Cochran.

SMITH G.S.	BUS. 1932 East Glisan St	Gar 3282
	RES. 762 Hancock St	Gar 6421

DOUGLASS JOHN F.	704 Gasco Bldg	Main 4918
	RES. 601 East 49th St.	North Trinity 1263

SEARITT GUY H.	BUS Brd 6864 OR BRD 3641	
	Res. 1021 Division St	Taber 9324

SKINNER C.B.	755 Thurman St	Brd 0865

SALINGER ARTHUR	323 New P.O. BLDG	Brd 5105
	366 1/2 Broadway St	At 5363

Note Change of address Douglass

Self
Wheeler
Kirkland
Cochran
Bradley

Helpful Hints

for the greater effectiveness and enjoyment of your

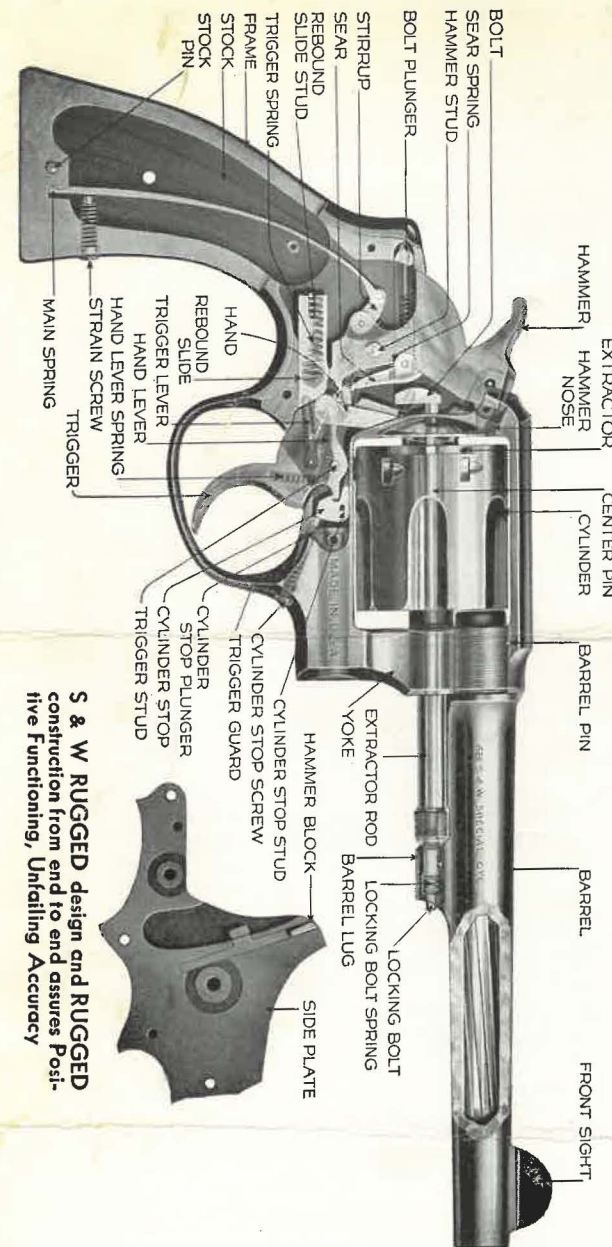
Smith & Wesson Revolver

INSTRUCTIONS FOR OPERATION

1. Push thumb piece forward, swing out cylinder and load.
2. Close cylinder and take position on firing line.



3. **STAND** in a relaxed and comfortable position, feet well apart. The arm when raised should line naturally with the target. If it does not, shift the feet a bit.



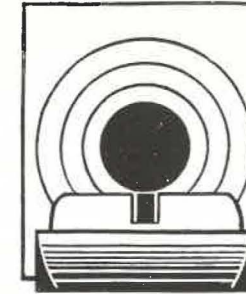
S & W RUGGED design and RUGGED construction from end to end assures Positive Functioning, Unfailing Accuracy

M. J. O'W. CO. PRINTED IN U. S. A.



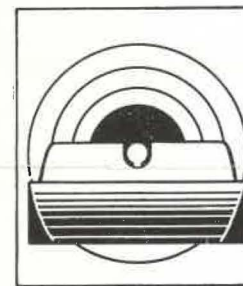
4. **HOLD** the gun firmly but do not seize it with a "death grip". If the knuckles are white, the grip is too tight.

5. **LINE** the sights carefully, top of front sight even with top of rear notch, and light equal on both sides of front sight (see illustration).



6. **SQUEEZE** the trigger with trigger finger only, carefully keeping the sights aligned on the target. **SQUEEZE** is the most important function of shooting. A pull or yank on the trigger will surely disturb alignment and result in a poorly placed shot or a complete miss. **DO NOT** apply the **SQUEEZE** with the whole hand. The squeeze should be applied between the tip and first joint of the trigger finger. Slowly at first — speed will develop with practice.

7. Watch the sights. Learn to "call your shots" before looking for them on the target. Practice "dry shooting" with empty gun. Watch sights when hammer falls. If sights jump or duck you are not squeezing the trigger. Don't hold



the shot too long. If the sights don't line up on the target in 15 seconds, take the arm down and rest for a moment. Remember, good revolver shots are not born; they are made by careful and consistent practice.

CLEANING AND OILING

With proper care your Smith & Wesson revolver will give a lifetime of dependable service. After firing, scrub bore of barrel and cylinder chambers with a brass wire brush dipped in any good cleaning solution. Dry barrel and chambers with flannel patches on a hard wood or metal rod. Oil barrel and chambers with oily patches or wool swab. Wipe outside of gun all over with oily cloth. Oil lockwork about 3 or 4 times a year by dropping 5 drops of good gun oil into the hammer slot. It will distribute itself over the lockwork surfaces. Do not store guns for long periods of time in leather holsters or cases. Sheepskin cases or wool socks are excellent containers for revolvers. Use factory loaded ammunition of proper type for best satisfaction and service. Smith & Wesson guarantee their arms only when used with factory loaded ammunition of the type plainly stamped on the barrel.

SAFETY

Revolvers are the safest of hand guns. They cannot be fired without pressure on the trigger. Safety rules are many, but the three below are basic and should be observed rigidly until they become second nature.

1. NEVER POINT A GUN AT ANYTHING YOU DON'T INTEND TO SHOOT.
2. NEVER COCK A GUN UNTIL YOU ARE READY TO SHOOT.
3. NEVER INSERT YOUR FINGER INTO THE TRIGGER GUARD UNTIL YOU ARE READY TO SHOOT.

Think Safety! Teach Safety!! Practice Safety!!!

BE CAREFUL

Beware of obstacles in barrel. If, when firing, a weak or peculiar report is heard, cease firing at once and inspect barrel for an obstruction. If the barrel contains a bullet, mud, snow, water, twigs or even very heavy grease, a burst barrel may result upon firing.

PORTLAND VIGILANCE POLICE

APPLICATION

Chief of Police,
City of Portland.

Portland, Oregon,

Sir:

I hereby respectfully make application for appointment as a member of the Portland Vigilance Police and submit the following information for your consideration. If accepted I promise to conform to all the regulations of this force and to promptly answer any and all authorized calls.

Age Married or Single

Height ft. in. Weight lbs.

Color of hair Color of eyes

Occupation

Residence Address Telephone

Business Address Telephone

Auto Size

Previous experience in police work

.....

.....

.....

Have you any fraternal or civic affiliations that would prevent you from answering calls at any time?

.....

Will you provide yourself with a proper firearm?

Have you any objection to being called for parades or similar duty?

Why do you wish to be appointed?

.....

.....

.....

Submitted with a full knowledge that service with the Vigilance Police is voluntary and without compensation.

Respectfully,

.....

Recommended by

.....

Remarks:

.....

.....

.....

.....

Appointed Discharged

AREA "A" (FORMERLY AREA 1) EAST SIDE

2-A SELLWOOD BRIDGE (E. END)
4-A ORE DOOR CO. MILL
6-A ORE YACHT CLUB
8-A ROSS ISL. BRIDGE (E. END)
10-A INMAN POULSEN LBR.
12-A P.G.E. SUBSTATION
14-A HAWTHORNE BRIDGE (E. END)
16-A COLUMBIA CONTRACT CO.
18-A USGG PATROL BAST
20-A SUPPLE DOCK
22-A MORRISON BRIDGE (E. END)
24-A MC CUDDY MOORAGE
26-A NICKUM KELLY GRAVEL
28-A MUNICIPAL FIREBOAT #1
30-A COL. AIRCRAFT TERM. #2
32-A HUDSON DUNCAN GROCERY
34-A GENERAL GROCERY WHSE.
36-A BURNSIDE BRIDGE (E. END)
38-A SOU. PAC. SIDING

AREA "B" (FORMERLY AREA 2) EAST SIDE

2-B STEEL BRIDGE (E. END)
4-B GLOBE DOCK
6-B BROADWAY BRIDGE (E. END)
8-B IRVING DOCK
10-B MUNICIPAL FIREBOAT #2
12-B SANTA CRUZ CEMENT
14-B ALBINA ENGINE & MACHINE
16-B STAR SAND & GRAVEL
18-B LUNGENBACH TERMINAL
20-B MUNICIPAL PAVING PLANT
22-B ALBINA DOCK
24-B NORTHWEST GRAIN DOCK
26-B KERR GIFFORD ELEVATOR
28-B U.S.N. DEPERMING STA.
30-B KAISER SWAN ISLAND
32-B KAISER SWAN ISL. SHIPWAY
34-B SWAN ISL. DUTFTG. BASIN

AREA "C" (FORMERLY AREA 3) EAST SIDE

2-C KATO DOLPHINS
4-C WILLAMETTE TUG & BARGE
6-C SP&S BRIDGE (E. END)
8-C WESTERN COOPERAGE CO
10-C PORT OF PORT. DRYDOCKS
12-C PLYLOCK-PURDY BRUSH
14-C PORT. LBR. MILLS
16-C COAST VENEER CO.
18-C MUNICIPAL FIREBOAT #3
20-C ST. JOHNS BRIDGE (E. END)
22-C KERN & KIBBE BARGE WKS.
24-C FLOATING MARINE WAYS
26-C PIER #5 PORT EMBARKATION
28-C PORT EMBARKATION (PPE)
30-C ORE. SHIP BLDG. CORP.
32-C NORTHWEST OIL DOCK
VANG. PLYWOOD & VENEER-VANG. WN.

WEST SIDE

1-A SEELWOOD BRIDGE (W. END)
3-A STAFF JENNINGS MOORAGE
5-A PORT. SHIPBLDG.
7-A JONES LUMBER CO.
9-A B. P. JOHNS FURNITURE
11-A MULTNOMAH BOX & LUMBER
13-A COMMERCIAL IRON SHIPWAYS
15-A ROSS ISL. BRIDGE (W. END)
17-A COMM. IRON CONVERSION
19-A KNAPPTON TOWING CO.
21-A N.W. ELEC. SUBSTATION
23-A PORTLAND SPAR CO.
25-A BATTLESHIP OREGON PARK
27-A HAWTHORNE BRIDGE (W. END)
29-A U.S.N. WHSE. (MARKET BLDG.)
31-A MORRISON BRIDGE (W. END)
33-A POOLE MCGONIGLE CONV. 2
35-A BURNSIDE BRIDGE (W. END)
37-A U. S. MARITIME COMM.

WEST SIDE

1-B STEEL BRIDGE (W. END)
3-B WESTERN TRANSP. CO.
5-B PD. POLICE HARBOR PATROL
7-B MCCORMICK TERML.
9-B BROADWAY BRIDGE (W. END)
11-B ALBER MILLS
13-B INTERSTATE TERML
15-B CROWN MILLS
17-B COLUMBIA BASIN DOCK
19-B MUNICIPAL TERML. #1
21-B POOLE MCGONIGLE CONV. 1
23-B EASTERN WESTERN LBR. CO.
25-B DURKEE FOOD PRODL
27-B WILLAMETTE IRON & STEEL
29-B OCEANIC TERML.
31-B SHAVER TRANS.
33-B TEXAS CO., OIL DOCK
35-B GUNDERSUN BROS.
37-B GILPIN CONSTRUCTION

WEST SIDE

1-C UNION OIL DOCK
3-C STANDARD OIL DOCK
5-C SHELL OIL DOCK
7-C PENNSYLVANIA SALT CO.
9-C SP&S BRIDGE (W. END)
11-C GASCO MAIN PLANT
13-C U.S. ARMY ENGRS MOORAGE
15-C PORTLAND TUG & BARGE CO.
17-C ST. JOHNS BRIDGE (W. END)
19-C SUNSET OIL DOCK
21-C GENERAL PETROLEUM CO.
23-C RICHFIELD OIL DOCK
25-C CLARK WILSON LUMBER
27-C TIDEWATER ASSD. DOCK
29-C KINGSLEY LUMBER
31-C WEST OREGON LUMBER

ELEC. MET. N. BURGARD RD. ST. JOHNS M&M WOODWORKING CO. FOOT OF RICHMONT ST.
PAD. CARBIDE & ALLOYS 9901 N. HURST ST. JOHNS

JOSEPH K. CARSON JR.
MAYOR
B. K. LAWSON
CHIEF OF POLICE

C. H. TICHENOR
CAPT. IN COMMAND

IRA F. COBE
SECRETARY

REV. P. M. BLANKINSHIP
CHAPLAIN

BISHOP WALTER T. SUMNER
CHAPLAIN (HONORARY)

LIEUTENANTS

H. D. JENSEN

PAUL J. CLOSSET

VICTOR J. HILL

DEAN H. KNOWLES

C. M. POMEROY

NORMAN A. THOMPSON

ADVISORY BOARD

MAYNARD COLE

BARNETT H. GOLDSTEIN

JOHN H. LUIHN

A. R. SAWTELL

PORTLAND POLICE RESERVE

626 S. E. ALDER STREET

PORTLAND, OREGON

May 20, 1935.

Mr. F. J. Closset
38 S.E. 44th Ave.
Portland, Oregon

Dear Sir:

This is to notify you of the resignation of Reserve
Officer Ward Parker, will you please cancel his name
from your book.

Very truly yours,

C. H. Tichenor
Captain C. H. Tichenor

CHT MD