

## 2013 ORS § 164.354<sup>1</sup>

### Criminal mischief in the second degree

- (1) A person commits the crime of criminal mischief in the second degree if:
- (a) The person violates ORS 164.345 (Criminal mischief in the third degree), and as a result thereof, damages property in an amount exceeding \$500; **or**
  - (b) Having no right to do so nor reasonable ground to believe that the person has such right, the person intentionally damages property of another, or, the person recklessly damages property of another in an amount exceeding \$500.
- (2) Criminal mischief in the second degree is a Class A misdemeanor. [1971 c.743 §146; 2009 c.16 §5]

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### Notes of Decisions

Admission of testimony by handwriting expert that he had no doubt defendant was responsible for painting graffiti in black paint on side of house, was not abuse of discretion. *State v. Bolger*, 31 Or App 565, 570 P2d 1018 (1977), Sup Ct review denied

Notwithstanding that stop of defendant was unlawful under ORS 131.615 (Stopping of persons), illegality of stop did not render inadmissible evidence of subsequent behavior, for which he was charged under this section. *State v. Gaffney*, 36 Or App 105, 583 P2d 582 (1978), Sup Ct review denied

Legislative intent of this section is to protect interest of owner or possessor in property. *State v. Sweet*, 46 Or App 31, 610 P2d 310 (1980)

Intentional damage to property of another in any amount is criminal mischief in second degree and where defendant admitted he stripped bark from trees intentionally, resentencing for crime of criminal mischief was required. *State v. Washburn*, 54 Or App 64, 633 P2d 1321 (1981)

Chapter 164

## Law Review Citations

51 OLR 427-637 (1972)

## Related Statutes<sup>3</sup>

- 137.717  
Presumptive sentences for certain property offenders
- 164.367  
Determining value of damage
- 164.388  
Preemption
- 181.433  
Commissioning of humane special agents
- 497.415  
Revocation or denial of licenses, tags or permits for wildlife law violations or failure to comply with citation

<sup>1</sup> Legislative Counsel Committee, *CHAPTER 164—Offenses Against Property*, [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2013ors164.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors164.html) (2013) (last accessed Apr. 27, 2014).

<sup>2</sup> Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 164*, [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2013ano164.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano164.html) (2013) (last accessed Apr. 27, 2014).

<sup>3</sup> OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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