

EXCLUSION PROGRAM

Trespass Enforcement Agreement

ORS164.245 and 164.255

The Exclusion Program is a resource that property owners or persons in charge (i.e.: managers, supervisors) can use to authorize Clackamas County Sheriff's Office deputies to act on their behalf to enforce Oregon trespass laws. To initiate the program, the property owner or person in charge must complete this form and return it to the Clackamas County Sheriff's Office for approval.

This property is: A Residence Publicly Owned A Business / Name _____

Physical Address of Exclusion Location

Contact Information

<i>Name of Person Entering Into Agreement (Please Print)</i>		<i>I am the:</i>	
Last Name	First Name	<input type="checkbox"/> Owner <input type="checkbox"/> Manager	
		<input type="checkbox"/> Other _____ of this location.	
<i>Primary Phone</i>	<i>Secondary Phone</i>	<i>Fax</i>	<i>Email</i>
<i>Primary Contact Mailing Address, if different than above</i>		<i>City</i>	<i>State</i>
		<i>Zip</i>	

<i>Alternate Contact (Please Print)</i>		<i>Primary Phone</i>	<i>Secondary Phone</i>
Last Name	First Name		
<i>Alternate Contact Mailing Address, if different than above</i>		<i>City</i>	<i>State</i>
		<i>Zip</i>	

I have read and agree to the terms of the Exclusion Program. I hereby designate each and every Clackamas County Sheriff's Office deputy as my agent and representative for the purpose of enforcing Oregon Criminal Trespass Laws. I understand that any enforcement will be carried out at the deputy's discretion and subject to available personnel resources. This authorization shall continue in full force and effect until such time as it expires, two years from the date of approval or until it is revoked or terminated in writing. Any dissolution of the agreement must be an original signed document.

<i>Printed Name</i>	<i>Signature</i>	<i>Date</i>

Clackamas County Acknowledgement

<i>Date of Approval/CCSO</i>	<i>Date of Expiration</i>	<i>CCSO Program Manager</i>

DEFINITIONS FOR ORS 164.205 to 164.270

As used in ORS 164.205 (Definitions for ORS 164.205 to 164.270) to 164.270 (Closure of premises to motor-propelled vehicles), except as the context requires otherwise:

- (1) "Building," in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for overnight accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.
- (2) "Dwelling" means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.
- (3) "Enter or remain unlawfully" means:
 - a. To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public and when the entrant is not otherwise licensed or privileged to do so;
 - b. To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 - c. To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 - d. To enter or remain in a motor vehicle when the entrant is not authorized to do so.
- (4) "Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
- (5) "Person in charge" means a person, a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship. "Person in charge" includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.
- (6) "Premises" includes any building and any real property, whether privately or publicly owned. [1971 c.743 §135; 1983 c.740 §33; 1999 c.1040 §10; 2003 c.444 §1; 2015 c.10 §1]

CRIMINAL TRESPASS IN THE FIRST DEGREE: ORS 164.255

- (7) A person commits the crime of criminal trespass in the first degree if the person:
 - a. Enters or remains unlawfully in a dwelling;
 - b. Having been denied future entry to a building pursuant to a merchant's notice of trespass, reenters the building during hours when the building is open to the public with the intent to commit theft therein;
 - c. Enters or remains unlawfully upon railroad yards, tracks, bridges, or rights of way; or
 - d. Enters or remains unlawfully in or upon premises that have been determined to be not fit for use under ORS 453.855 (purpose) to 453.912 (governmental immunity from liability).
- (8) Subsection (1)(d) of this section does not apply to the owner of record of the premises if:
 - a. The owner notifies the law enforcement agency having jurisdiction over the premises that the owner intends to enter the premises;
 - b. The owner enters or remains on the premises for the purpose of inspecting or decontaminating the premises or lawfully removing items from the premises; and
 - c. The owner has not been arrested for, charged with or convicted of a criminal offense that contributed to the determination that the premises are not fit for use.
- (9) Criminal trespass in the first degree is a Class A misdemeanor. [1971 c.743 §140; 1993 c.680 §23; 1999 c.837 §1; 2001 c.386 §1; 2003 c.527 §1]

CRIMINAL TRESPASS IN THE SECOND DEGREE: ORS 164.245

- (1) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.
- (2) Criminal trespass in the second degree is a Class C misdemeanor. [1971 c.743 §139; 1999 c.1040 §9]