



COMMON SENSE FOR OREGON

[Home](#) | [About Us](#) | [Government Waste](#) | [Measures](#) | [Issues](#) | [News](#) | [Contribute](#) | [Contact](#)

The Oregon Castle Doctrine: Protecting Your Family

Prepared by Kevin Mannix, Connor Harrington and Joe Burns

Every person in Oregon should be guaranteed the right to be secure in his/her home or business without having to retreat from any intruder. The Oregon Castle Doctrine Act is based on the principle: your home is your castle. You should be able to protect yourself against intruders. If a criminal invades your home or business and you use any physical force to defend yourself or others with you, the Oregon Castle Doctrine presumes that your use of force was justified.

Currently in Oregon, physical force capable of seriously injuring or causing death to an intruder is not justified if the intruder is criminally trespassing. Such force is justified only if the intruder uses or is about to use deadly force or is committing a felony such as burglary or arson. If any physical force is used against an intruder, the legal system then must determine whether that use of force was reasonable, and therefore justified.

You should not need to inquire into an intruder's purpose for invading your home or place of work in order to rightfully protect yourself, others, and your property. Under the Oregon Castle Doctrine Act, if you use any form of physical force against an intruder you are presumed to have reasonably believed that the intruder was using or about to use unlawful deadly physical force. That presumption protects Oregonians from civil or criminal liability after using force against an intruder in the home or work place.

In addition, property owners should not be forced to defend themselves in court if a trespasser is injured on their property. Under current Oregon laws, if a trespasser is injured on your property, you can be sued by the trespasser. Under the Oregon Castle Doctrine Act, if an adult is trespassing on your property and is injured by some condition of the property, that trespasser will not have the right to sue you for his injury.

The Oregon Castle Doctrine Act sends a clear message to trespassers: if you decide to trespass, you do so at your own risk.

The citizen initiative petition for the Oregon Castle Doctrine Act is in circulation to gain voter signatures by July, 2014. It is now easier to support the Oregon Castle Doctrine Act by signing an e-petition which can be found by logging onto www.common sensefororegon.org.

We also welcome voters to help gather signatures for the Oregon Castle Doctrine Act on their own. If you would like to help gather signatures for the initiative petition, please contact Common Sense For Oregon by calling (503)-480-0523, or by e-mail at: info@commonsensefororegon.org.

[Click the image to read the text of](#)

[the Oregon Castle Doctrine Act](#)

Oregon Castle Doctrine Act

Section 1. In order to guarantee every person the right to be secure in his or her home or business without having to retreat from any intruder, and to ensure the peaceful enjoyment of land without concern as to trespassers, the People adopt this statute as the Oregon Castle Doctrine.

Section 2. An owner of any land is not liable for any injury, death or other damage suffered by a trespasser on the land where such injury, death, or other damage is caused by any condition of the land or its fixtures. The only exception to this section is the following: This section does not protect an owner from liability for placing a spring gun, or other device, which is placed intentionally for the purpose of injuring a person.

Section 3. Any resident who uses any form of physical force, including deadly physical force, against an intruder is presumed to have reasonably believed that the intruder was using or about to use unlawful deadly physical force against any resident on the premises, such that the resident who uses such physical force was justified, based on self-defense or defense of a third person, and therefore not subject to any civil or criminal liability for use of such physical force.

Section 4. Definitions as used in this Act:

(a) "Intruder" means a person who is committing criminal trespass in the first degree (as defined in ORS 164.255), burglary in the first degree (as defined in ORS 164.225), or burglary in the second degree (as defined in ORS 164.215).

(b) "Land" includes all real property, whether publicly or privately owned.

(c) "Owner" means the possessor of any interest in any land, including but not limited to possession of a fee title. "Owner" includes a tenant, lessee, occupant or other person in possession of the land.

(d) "Resident" means any person who is lawfully present in a building or dwelling, as those terms are defined in ORS 164.205.

(e) "Trespasser" means any person, 18 years of age or older, who unlawfully enters or remains on the land.

Section 5. This Act does not create or expand any liability either directly or by implication.

[Click the image to sign and mail the](#)

[Oregon Castle Doctrine e-Petition](#)

State Initiative / Referendum Petition Signatures Sheet

Instructions for Signers:

1. Only when Oregon voters may sign the petition. Sign your full name, as you did when you registered to vote.
2. If it is the date you signed the petition, your printed name and residence address in the spaces provided. Only you may complete your optional information.
3. Use a pen when signing the petition.
4. It is against the law for anyone to:
 - Sign another person's name under any circumstances.
 - Sign a petition more than one time.
 - Sign a petition when you are not qualified to sign it.

© The Secretary of State of Oregon. This document is subject to the public access law of Oregon for that document as of the November 4, 2014. Devered Director, a full and correct copy of the text is available for my review and I have not previously signed a signature sheet for this petition.

Signature: _____ Date Signed: _____

Print Name: _____ Residence Address (street, city, zip code): _____ Street Number: _____

k

2007 State Street
Salem, Oregon 97301
info@commonsensefororegon.org

[Update My Profile](#) - [Unsubscribe](#) - [Privacy Policy](#)