

# Senate Bill 92

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases maximum penalty when certain crimes are committed against judicial officer and are related to officer's official duties.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to crime; amending ORS 163.190 and 166.065; and declaring an emergency.

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

4 **SECTION 1.** ORS 163.190 is amended to read:

5 163.190. (1) A person commits the crime of menacing if by word or conduct the person inten-  
6 tionally attempts to place another person in fear of imminent serious physical injury.

7 (2)(a) Menacing is a Class A misdemeanor.

8 **(b) Notwithstanding paragraph (a) of this subsection, menacing is a Class C felony if the**  
9 **victim is a judicial officer as defined in ORS 1.210 and the commission of the crime is related**  
10 **to the performance of the victim's official duties in the justice system.**

11 **SECTION 2.** ORS 166.065 is amended to read:

12 166.065. (1) A person commits the crime of harassment if the person intentionally:

13 (a) Harasses or annoys another person by:

14 (A) Subjecting such other person to offensive physical contact; or

15 (B) Publicly insulting such other person by abusive words or gestures in a manner intended and  
16 likely to provoke a violent response;

17 (b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,  
18 concerning death or serious physical injury to a person, which report reasonably would be expected  
19 to cause alarm; or

20 (c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict  
21 serious physical injury on that person or to commit a felony involving the person or property of that  
22 person or any member of that person's family, which threat reasonably would be expected to cause  
23 alarm.

24 (2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone  
25 or electronic device under the person's control to be used in violation of subsection (1) of this sec-  
26 tion.

27 (b) Harassment that is committed under the circumstances described in subsection (1)(c) of this  
28 section is committed in either the county in which the communication originated or the county in  
29 which the communication was received.

30 (3) **Except as otherwise provided in subsections (4) and (5) of this section,** harassment is

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 a Class B misdemeanor.

2 (4) *[Notwithstanding subsection (3) of this section,]* Harassment is a Class A misdemeanor if a  
3 person violates:

4 (a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical contact  
5 and the offensive physical contact consists of touching the sexual or other intimate parts of the  
6 other person; or

7 (b) Subsection (1)(c) of this section and:

8 (A) The person has a previous conviction under subsection (1)(c) of this section and the victim  
9 of the current offense was the victim or a member of the family of the victim of the previous offense;

10 (B) At the time the offense was committed, the victim was protected by a stalking protective  
11 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person  
12 from contacting the victim;

13 (C) At the time the offense was committed, the person reasonably believed the victim to be un-  
14 der 18 years of age and more than three years younger than the person; or

15 (D)(i) The person conveyed a threat to kill the other person or any member of the family of the  
16 other person;

17 (ii) The person expressed the intent to carry out the threat; and

18 (iii) A reasonable person would believe that the threat was likely to be followed by action.

19 **(5) Harassment is a Class C felony if a person violates subsection (1)(c) of this section**  
20 **and the victim is a judicial officer as defined in ORS 1.210 and the commission of the crime**  
21 **is related to the performance of the victim's official duties in the justice system.**

22 *[(5)]* (6) As used in this section, "electronic threat" means a threat conveyed by electronic mail,  
23 the Internet, a telephone text message or any other transmission of information by wire, radio, op-  
24 tical cable, cellular system, electromagnetic system or other similar means.

25 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
26 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
27 **on its passage.**

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