

May 25, 2017

Chair Barker and Members of the House Judiciary Committee,

Thank you for scheduling a work session on SB 257. I regret that I am unable to be at the meeting today, but my Chief of Staff Angela Donley will be in the room and is able to contact me immediately if needed.

I would like to offer my thanks to Committee Staff for drafting the -A4 amendments. While they do not change the intent or function of the bill, they do remove the word “places” and make the bill easier to read. I have also checked in with Aaron Knott who has reviewed this modest technical change.

SB 257, as amended by the -4 amendment, simply elevates some existing cases of official misconduct from a Class C misdemeanor to a Class A misdemeanor. In order for this to happen, the following criteria must first be met:

- Oregon statute must state a specific obligation for a public official
- The public official must be aware that the statutory obligation exists
- The public official must know that their action or inaction is a violation of that law
- The public official must also know that their action or inaction creates a risk of physical injury, sexual assault, or other significant danger for a vulnerable person
- The public official must recklessly disregard their knowledge that their unlawful action or inaction is placing that vulnerable person at risk

Because these criteria must be in place, it is not possible that a person could be charged with a crime after carrying out a work duty without knowing that they were breaking the law. They must know they are acting in an unlawful way AND they must know that the unlawful action creates a significant risk for a vulnerable person.

I urge your support of SB 257 and the -4 amendment.

Sincerely,  
Sara Gelser

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