

# Senate Bill 953

Sponsored by Senator AVAKIAN

## 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**.

Modifies crimes of harassment and identity theft.

### A BILL FOR AN ACT

Relating to crime; amending ORS 165.800 and 166.065.

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

**SECTION 1.** ORS 165.800 is amended to read:

165.800. (1) A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person's own use the personal identification of another person.

(2) Identity theft is a Class C felony.

(3) It is an affirmative defense to violating subsection (1) of this section that the person charged with the offense:

(a) Was under 21 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing alcohol;

(b) Was under 18 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing tobacco products; or

(c) Used the personal identification of another person solely for the purpose of misrepresenting the person's age to gain access to a:

(A) Place the access to which is restricted based on age; or

(B) Benefit based on age.

**(4) The intent to deceive or defraud described in subsection (1) of this section includes matters having no pecuniary significance.**

~~(4)~~ **(5)** As used in this section:

(a) "Another person" means a real or imaginary person.

(b) "Personal identification" includes, but is not limited to, any written document or electronic data that does, or purports to, provide information concerning:

(A) A person's name, address or telephone number;

(B) A person's driving privileges;

(C) A person's Social Security number or tax identification number;

(D) A person's citizenship status or alien identification number;

(E) A person's employment status, employer or place of employment;

(F) The identification number assigned to a person by a person's employer;

(G) The maiden name of a person or a person's mother;

(H) The identifying number of a person's depository account at a financial institution, as defined

**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 in ORS 706.008, or a credit card account;

2 (I) A person's signature or a copy of a person's signature;

3 (J) A person's electronic mail name, electronic mail signature, electronic mail address or elec-  
4 tronic mail account;

5 (K) A person's photograph;

6 (L) A person's date of birth; and

7 (M) A person's personal identification number.

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

9 166.065. (1) A person commits the crime of harassment if the person intentionally:

10 (a) Harasses or annoys another person by:

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

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

14 **(b) Subjects another person, under the age of 18, to offensive physical contact;**

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

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

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

25 (3) Harassment is a Class B misdemeanor.

26 (4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a  
27 person violates subsection (1) of this section by subjecting another person to offensive physical  
28 contact and the offensive physical contact consists of touching the sexual or other intimate parts  
29 of the other person.

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