

# House Bill 3271

Sponsored by Representative STIEGLER; Representatives BARKER, KRIEGER, OLSON, J SMITH, VANORMAN, WHISNANT

## 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 penalty for crime of harassment, under certain circumstances, to maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to crime; creating new provisions; and amending ORS 166.065.

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

4 **SECTION 1.** ORS 166.065 is amended to read:

5 166.065. (1) A person commits the crime of harassment if the person intentionally:

6 (a) Harasses or annoys another person by:

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

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

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

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

17 [(2)] **(2)(a)** A person is criminally liable for harassment if the person knowingly permits any  
18 telephone or electronic device under the person's control to be used in violation of subsection (1)  
19 of this section.

20 **(b) Harassment that is committed under the circumstances described in subsection (1)(c)**  
21 **of this section is committed in either the county in which the communication originated or**  
22 **the county in which the communication was received.**

23 (3) Harassment is a Class B misdemeanor.

24 (4) Notwithstanding subsection (3) of this section[,]:

25 **(a)** Harassment is a Class A misdemeanor if a person violates subsection (1) of this section by  
26 subjecting another person to offensive physical contact and the offensive physical contact consists  
27 of touching the sexual or other intimate parts of the other person.

28 **(b) Harassment is a Class C felony if a person violates subsection (1)(c) of this section**  
29 **and:**

30 **(A) The person conveyed a threat to kill the other person or any member of the family**  
31 **of the other person;**

**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       **(B) The person has a previous conviction under subsection (1)(c) of this section and the**  
2 **victim of the current offense was the victim or member of the family of the victim of the**  
3 **previous offense; or**

4       **(C) At the time the person committed the offense:**

5       **(i) The person reasonably believed that the victim was under 18 years of age; or**

6       **(ii) The victim was protected by a stalking protective order, a restraining order as de-**  
7 **fin****ed in ORS 24.190 or any other court order prohibiting the person from contacting the**  
8 **victim.**

9       **(5) As used in this section, “electronic threat” means a threat conveyed by electronic**  
10 **mail, the Internet, a telephone text message or any other transmission of information by**  
11 **wire, radio, optical cable, an electromagnetic system or other similar means.**

12       **SECTION 2.** **The amendments to ORS 166.065 by section 1 of this 2009 Act apply to of-**  
13 **fenses committed on or after the effective date of this 2009 Act.**

14