

**Enrolled**  
**Senate Bill 398**

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CHAPTER .....

AN ACT

Relating to intimidation; creating new provisions; and amending ORS 166.155 and 166.165.

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

**SECTION 1.** ORS 166.155 is amended to read:

166.155. (1) A person commits the crime of intimidation in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, sexual orientation, **disability** or national origin;

(b) Intentionally subjects another to offensive physical contact because of the person's perception of the other's race, color, religion, sexual orientation, **disability** or national origin; or

(c) Intentionally, because of the person's perception of race, color, religion, sexual orientation, **disability** or national origin of another or of a member of the other's family, subjects the other person to alarm by threatening:

(A) To inflict serious physical injury upon or to commit a felony affecting the other person, or a member of the person's family; or

(B) To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) Intimidation in the second degree is a Class A misdemeanor.

(3) For purposes of this section, "property" means any tangible personal property or real property.

**SECTION 2.** ORS 166.165 is amended to read:

166.165. (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons:

(a)(A) Intentionally, knowingly or recklessly cause physical injury to another person because of the actors' perception of that person's race, color, religion, sexual orientation, **disability** or national origin; or

(B) With criminal negligence cause physical injury to another person by means of a deadly weapon because of the actors' perception of that person's race, color, religion, sexual orientation, **disability** or national origin;

(b) Intentionally, because of the actors' perception of another person's race, color, religion, sexual orientation, **disability** or national origin, place another person in fear of imminent serious physical injury; or

(c) Commit such acts as would constitute the crime of intimidation in the second degree, if undertaken by one person acting alone.

(2) Intimidation in the first degree is a Class C felony.

**SECTION 3. The amendments to ORS 166.155 and 166.165 by sections 1 and 2 of this 2011 Act apply to conduct occurring on or after the effective date of this 2011 Act.**

**Passed by Senate March 2, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 7, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

.....M.,....., 2011

**Approved:**

.....M.,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2011

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Kate Brown, Secretary of State