

Senate Bill 398

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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**.

Modifies crimes of intimidation in first and second degree to include offenses committed because of offender's perception of victim's disability.

A BILL FOR AN ACT

1
2 Relating to intimidation; creating new provisions; and amending ORS 166.155 and 166.165.

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

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

5 166.155. (1) A person commits the crime of intimidation in the second degree if the person:

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

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

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

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

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

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

20 (3) For purposes of this section, "property" means any tangible personal property or real prop-
21 erty.

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

23 166.165. (1) Two or more persons acting together commit the crime of intimidation in the first
24 degree, if the persons:

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

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

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

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

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

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

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