

# Senate Bill 656

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

## 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**.

Authorizes state to plead and prove that certain crimes are motivated by perception of victim's homelessness or homelessness of victim's family. Upon conviction, requires court to impose, as condition of probation, that defendant complete treatment program designed to reduce prejudice against homeless, if treatment program available.

## A BILL FOR AN ACT

1  
2 Relating to crime.

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

4 **SECTION 1. (1) For purposes of this section, a crime "constitutes intimidation" when a**  
5 **person commits the crime because of the person's perception of the victim's homelessness**  
6 **or the homelessness of a member of the victim's family.**

7 **(2)(a) When a crime described in paragraph (b) of this subsection constitutes intimid-**  
8 **ation, the accusatory instrument may plead, and the prosecution may prove at trial, in-**  
9 **timidation as an element of the crime.**

10 **(b) The crimes to which paragraph (a) of this subsection apply are:**

11 **(A) Assault in the fourth degree under ORS 163.160 (2).**

12 **(B) Menacing under ORS 163.190.**

13 **(C) Criminal mischief in the second and third degree under ORS 164.345 and 164.354.**

14 **(D) Harassment under ORS 166.065 (1)(a)(A), (1)(b) and (1)(c).**

15 **(3) When a person is convicted of a crime listed in subsection (2)(b) of this section and**  
16 **the state has pleaded and proven that the crime constitutes intimidation, in addition to any**  
17 **other sentence authorized by law, the court shall require the person, as a condition of pro-**  
18 **bation, to complete a treatment program approved by the court, if a program is available.**  
19 **To satisfy the requirements of this subsection, a treatment program must:**

20 **(a) Be designed to reduce prejudice against homeless persons;**

21 **(b) Include behavioral modification therapy as a component of treatment;**

22 **(c) Be evidence-based; and**

23 **(d) Have measurable outcomes.**

24 **SECTION 2. Section 1 of this 2011 Act applies to conduct occurring on or after the ef-**  
25 **fective date of this 2011 Act.**

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**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.