



DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION

MEMORANDUM

DATE: April 16, 2013

TO: Honorable Jeff Barker, Chair
House Judiciary Committee, Members

FROM: Diane Schwartz Sykes, Oregon DOJ Civil Rights Unit

SUBJECT: HB 3480

RECOMMENDED ACTION

This testimony is presented in support of HB 3480. We recommend that the Committee approve HB 3480 with a do pass recommendation.

BACKGROUND ON HB 3480

- Currently, Oregon's hate crime laws are Intimidation in the Second Degree (ORS 166.155-a Class A Misdemeanor) and Intimidation in the First Degree (ORS 166.165-a Class C Felony);
- Certain protected classes are covered under Oregon's Intimidation laws, such as race, color, religion, sexual orientation, disability and national origin. Federal hate crimes and state and federal civil rights laws also recognize ethnicity and gender as protected classes. However, ethnicity and gender are not currently included in Oregon's Intimidation laws;
- Intimidation in the First Degree only covers two or more persons acting together to cause physical injury, but does not cover individuals who engage in the same conduct;
- Only a district attorney or a private party may enforce civil protections available to victim of bias crimes;
- Law enforcement reporting of bias crimes lacks coordination and a central repository for receipt of this data.

HOW HB 3480 WILL PROVIDE JUSTICE TO VICTIMS OF BIAS CRIMES

- **Bias Crime:** The bill seeks to rename the crime of Intimidation to a bias crime. Doing so will assist law enforcement and victims to more easily identify criminal violations that are motivated by bias and better inform Oregon's communities about available protections;
- **Class of persons liable under Intimidation I:** the bill seeks to expand protections under Intimidation I to include bias crimes perpetrated by individuals who cause physical injury to a person;
- **Civil Right of Action:** A hate crime civil remedy has been adopted by several states, including Oregon. The bill authorizes the Attorney General, in addition to a district attorney and a private party, to bring independent and broader injunctive relief, as well as a civil claim for special and general damages, to make a victim whole for emotional distress and property damage that results from a violation on the criminal code.
- **Reporting Requirements:** Currently, there is little coordination by law enforcement related to maintaining statistics on the prevalence of bias crimes in Oregon. The bill would require all law enforcement agencies to provide quarterly and annual reports to Oregon Department of Justice on statistics concerning bias crimes. Having a central location for this data is important to understanding the under-reporting of bias crimes, barriers to prosecution of bias crimes and for taking steps to ensure that application of bias crime laws are consistent across the state.

DOJ CONTACT

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