
MEMORANDUM

Legislative Fiscal Office
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To: Public Safety Subcommittee

From: John Terpening, Legislative Fiscal Office
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Date: May 8, 2013

Subject: HB 2314 Work Session Recommendations

HB 2314 relates to intimidation. The measure modifies the crime of intimidation in the first and second degree. The measure is effective January 1, 2014.

The measure, the original staff measure summary, preliminary Joint Committee on Ways and Means staff measure summary, revenue impact statement [if available], and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure previously had a work session in the Judiciary Committee on April 15th, 2013 and was referred to the Joint Committee on Ways and Means with a unanimous “do pass” recommendation.

The measure has a minimal fiscal impact.

Motion to Move Measure

The measure is recommended to be moved to the full Committee on Joint Ways and Means.

Motion: Move HB 2314 to the full committee with a “do pass” recommendation.

Assignment of Carriers

Full: _____
2nd Chamber: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2314 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Steve Bender, Monica Brown, Linda Gilbert
Date: 4-19-2013

Measure Description:

Modifies crimes of intimidation in first and second degree.

Government Unit(s) Affected:

Cities, Counties, Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Oregon Youth Authority (OYA), Public Defense Services Commission

Analysis:

The proposed legislation has been determined to have
MINIMAL EXPENDITURE IMPACT
on state or local government.

While this individual measure has a “Minimal” fiscal impact, an agency may incur a net fiscal impact greater than minimal depending on the cumulative impact of all measures enacted into law that affect the agency.

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	9 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
Nays:	0
Exc.:	0
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	2/18, 4/15

WHAT THE MEASURE DOES: Expands crime of Intimidation in first degree to apply to actions of a person acting alone where physical injury is inflicted; where physical injury is negligently inflicted with dangerous weapon; or where person is placed in imminent fear of serious physical injury. Modifies crime of Intimidation in second degree to add conforming language. Adds “sex” and “ethnicity” to the protected groups; removes the phrase “community of persons.”

ISSUES DISCUSSED:

- A Jewish student in Corvallis was harassed by graffiti on his dormitory door, and then physically confronted, but the assailant acted alone and so was not eligible for prosecution under statute for Intimidation in the first degree.

EFFECT OF COMMITTEE AMENDMENT: Adds “sex” and “ethnicity” to the protected groups; removes the phrase “community of persons.” Removes the provision prohibiting civil compromise and preventing the conviction from being set aside.

BACKGROUND: House Bill 2314 A would tackle several different aspects of the law regarding intimidation. Intimidation in the first degree (ORS 166.165) requires more than one person acting together. This applies to assault and menacing as well, so that persons acting alone could not be charged with Intimidation in the first degree, even though the conduct constitutes assault and menacing. House Bill 2314 A would allow persons acting alone to be charged with Intimidation in the first degree