

**A-Engrossed**  
**House Bill 2314**

Ordered by the House April 24  
Including House Amendments dated April 24

Sponsored by Representatives GELSER, OLSON (at the request of John Haroldson) (Pre-session filed.)

**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.

Modifies crimes of intimidation in first and second degree.  
*[Prohibits court from setting aside conviction for intimidation in any degree.]*  
*[Prohibits civil compromise of crime committed because of defendant's perception of another person's race, color, religion, sexual orientation, disability or national origin.]*

**A BILL FOR AN ACT**

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

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

4 **SECTION 1.** ORS 166.165 is amended to read:

5 166.165. (1) *[Two or more persons acting together commit]* **A person commits** the crime of in-  
6 timidation in the first degree, if the *[persons]* **person:**

7 (a)(A) Intentionally, knowingly or recklessly *[cause]* **causes** physical injury to another person  
8 because of the *[actors']* **person's** perception of *[that]* **the other** person's race, **ethnicity**, color, re-  
9 ligion, sexual orientation, **sex**, disability or national origin; or

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

13 (b) Intentionally, because of the *[actors']* **person's** perception of another person's race,  
14 **ethnicity**, color, religion, sexual orientation, **sex**, disability or national origin, *[place]* **places** an-  
15 other person in fear of imminent serious physical injury.; *[or]*

16 *[(c) Commit such acts as would constitute the crime of intimidation in the second degree, if under-*  
17 *taken by one person acting alone.]*

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

19 **SECTION 2.** ORS 166.155 is amended to read:

20 166.155. (1) A person commits the crime of intimidation in the second degree if the person:

21 (a) Tamper or interferes with property, having no right to do so nor reasonable ground to be-  
22 lieve that the person has such right, with the intent to cause substantial inconvenience to another  
23 **person** because of the person's perception of the *[other's]* **other person's** race, **ethnicity**, color,  
24 religion, sexual orientation, **sex**, disability or national origin;

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

**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 (c) Intentionally, because of the person's perception of **the** race, **ethnicity**, color, religion, sex-  
2 ual orientation, **sex**, disability or national origin of another **person** or of a member of the [*other's*]  
3 **other person's** family, subjects the other person to alarm by threatening[:]

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

6 [(B)] to cause substantial damage to the property of the other person or of a member of the  
7 other person's family.

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

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

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