

**A-Engrossed
Senate Bill 92**

Ordered by the Senate April 22
Including Senate Amendments dated April 22

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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.

[Increases maximum penalty when certain crimes are committed against judicial officer and are related to officer's official duties.] **Creates crime of threatening public official. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, for first offense, and maximum of five years' imprisonment, \$125,000 fine, or both, for subsequent offenses.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; and declaring an emergency.

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

4 **SECTION 1. (1) A person commits the crime of threatening a public official if:**

5 **(a) The person knowingly delivers or conveys, directly or indirectly and by any means, a**
6 **threatening communication to a public official or a member of the public official's immediate**
7 **family;**

8 **(b) A reasonable person would expect the threatening communication to be followed by**
9 **unlawful acts; and**

10 **(c) The person delivered or conveyed the threatening communication because of:**

11 **(A) The performance or nonperformance of some public duty of the public official;**

12 **(B) The status or position of the public official; or**

13 **(C) Any other factor related to the public official's office or duties.**

14 **(2) As used in this section:**

15 **(a) "Immediate family" means a spouse, persons related by descending lineal**
16 **consanguinity, stepchildren, lawfully adopted children and foster children.**

17 **(b) "Public official" means a person elected or appointed to an office established, and the**
18 **qualifications and duties of which are prescribed, by statute to perform a public duty for this**
19 **state or any political subdivision of the state, and persons who have filed the required doc-**
20 **uments for nomination or election to such office. "Public official" includes an assistant or**
21 **deputy district attorney, an assistant attorney general and a judge serving upon appointment**
22 **as a senior judge or a judge pro tempore.**

23 **(c) "Threatening communication" means a communication that instills in the recipient**
24 **a fear that the person delivering or conveying the communication will cause imminent and**
25 **serious physical injury to or the death of the recipient or the recipient's immediate family.**

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 **(3)(a) Threatening a public official is a Class A misdemeanor.**

2 **(b) Notwithstanding paragraph (a) of this subsection, threatening a public official is a**
3 **Class C felony if the person has a prior conviction for threatening a public official at the time**
4 **of the offense.**

5 **SECTION 2.** **This 2013 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
7 **on its passage.**

8
