

Enrolled
Senate Bill 1567

Sponsored by Senator THATCHER, Representative WILLIAMSON; Senators GELSER, KNOPP, KRUSE, SHIELDS, Representative SPRENGER (Presession filed.)

CHAPTER

AN ACT

Relating to criminal impersonation; creating new provisions; and amending ORS 161.005 and 162.365.

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

SECTION 1. (1) A person commits the crime of criminal impersonation if:

- (a) The person, with the intent to injure an individual, intentionally impersonates the individual in a communication to a third person without the individual's consent;
- (b) The person acts with the intent to deceive the third person into believing that the third person is communicating with the individual;
- (c) A reasonable person in the circumstances of the third person would believe that the third person is communicating with the individual; and
- (d) The impersonation causes injury to the individual.

(2) Criminal impersonation is a Class A misdemeanor.

(3) As used in this section:

(a) "Impersonate" means to use an actual individual's name or likeness to create a representation of the individual that another person would reasonably believe was or is the actual individual being impersonated.

(b) "Injure" means to intimidate, threaten, harass or physically harm.

SECTION 2. (1) A plaintiff has a cause of action for the recovery of compensatory damages from any person who violates section 1 of this 2016 Act.

(2) In an action brought under subsection (1) of this section, the court may award the prevailing party costs and reasonable attorney fees.

SECTION 3. ORS 162.365 is amended to read:

162.365. (1) A person commits the crime of criminal impersonation **of a public servant** if, with intent to obtain a benefit, to injure or defraud another or to facilitate an unlawful activity, the person does an act in the assumed character of[:]

[*(a)*] a public servant[; or]

[*(b)* An active member or veteran of the Armed Forces of the United States].

(2) It is no defense to a prosecution [*for criminal impersonation*] **under this section** that:

- (a) The office, position or title that the person pretended to hold did not in fact exist; or
- (b) The unit of government that the person pretended to represent did not in fact exist.

(3)(a) Criminal impersonation of a public servant is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, criminal impersonation **of a public servant** is a Class C felony if the public servant impersonated is a peace officer, judge or justice of the peace.

(4) For the purposes of this section, “public servant” includes an active member or veteran of the Armed Forces of the United States.

SECTION 4. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and section 1 of this 2016 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

Passed by Senate February 10, 2016

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 24, 2016

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M.,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

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Jeanne P. Atkins, Secretary of State