

“Harass and annoy will be read conjunctively with the mental state, meaning, you must intend to harass, intend to annoy, knowingly harass, knowingly annoy, recklessly harass, or recklessly annoy, and that was written precisely to avoid subjectivity in annoyance. That it wasn’t just- you know if I wake up in the morning and there is a construction site down on the end of my block, that will annoy me. There is no intent to annoy me, probably wasn’t recklessly annoying me. If I am a particularly prone to annoyance person in the absence of intent, annoyance can popup anytime a drone goes over my head. The way this is written, it is meant, and I think Legislative Counsel would affirm, though I shouldn’t speak for them, that the annoyance has to be intentional, that that will be read conjunctively. So, I think for both the harass and the annoy there is a mental state requirement. It’s not going to be enough just to be annoyed, someone has to want to annoy you.”

-Aaron Knott, Legislative Director for the Oregon Department of Justice, transcribed from testimony provided to the Senate Judiciary Committee on 6/01/17 regarding HB 3047 A.