

A-Engrossed
House Bill 2988

Ordered by the Senate June 6
Including Senate Amendments dated June 6

Sponsored by 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 penalty for crime of harassment if offense consists of subjecting another person to offensive physical contact, **is committed against family or household member** and is committed in immediate presence of or witnessed by minor child in specified circumstances. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both. Directs Oregon Criminal Justice Commission to classify offense as person Class A misdemeanor under rules of commission.

A BILL FOR AN ACT

1
2 Relating to harassment; amending ORS 166.065.

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

4 **SECTION 1.** ORS 166.065 is amended to read:

5 166.065. (1) A person commits the crime of harassment if the person intentionally:

6 (a) Harasses or annoys another person by:

7 (A) Subjecting such other person to offensive physical contact;

8 (B) Publicly insulting such other person by abusive words or gestures in a manner intended and
9 likely to provoke a violent response; or

10 (C) Distributing a visual recording, as defined in ORS 163.665, of the other person engaged in
11 sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as defined in ORS
12 163.700, when the other person is under 18 years of age at the time of the recording;

13 (b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,
14 concerning death or serious physical injury to a person, which report reasonably would be expected
15 to cause alarm; or

16 (c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict
17 serious physical injury on that person or to commit a felony involving the person or property of that
18 person or any member of that person's family, which threat reasonably would be expected to cause
19 alarm.

20 (2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone
21 or electronic device under the person's control to be used in violation of subsection (1) of this sec-
22 tion.

23 (b) Harassment that is committed under the circumstances described in subsection (1)(c) of this
24 section is committed in either the county in which the communication originated or the county in
25 which the communication was received.

26 (3) Harassment is a Class B misdemeanor.

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 (4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a
2 person violates:

3 (a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical contact
4 and:

5 (A) The offensive physical contact consists of touching the sexual or other intimate parts of the
6 other person; **or**

7 (B)(i) **The victim of the offense is a family or household member of the person; and**

8 (ii) **The offense is committed in the immediate presence of, or is witnessed by, the**
9 **person's or the victim's minor child or stepchild or a minor child residing within the house-**
10 **hold of the person or victim;**

11 (b) Subsection (1)(a)(C) of this section; or

12 (c) Subsection (1)(c) of this section and:

13 (A) The person has a previous conviction under subsection (1)(c) of this section and the victim
14 of the current offense was the victim or a member of the family of the victim of the previous offense;

15 (B) At the time the offense was committed, the victim was protected by a stalking protective
16 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person
17 from contacting the victim;

18 (C) At the time the offense was committed, the person reasonably believed the victim to be un-
19 der 18 years of age and more than three years younger than the person; or

20 (D)(i) The person conveyed a threat to kill the other person or any member of the family of the
21 other person;

22 (ii) The person expressed the intent to carry out the threat; and

23 (iii) A reasonable person would believe that the threat was likely to be followed by action.

24 (5) It is not a defense to a charge under subsection (1)(a)(C) of this section that the defendant
25 did not know the age of the victim.

26 (6) **The Oregon Criminal Justice Commission shall classify harassment as described in**
27 **subsection (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the**
28 **commission.**

29 *[(6) As used in this section, "electronic threat" means a threat conveyed by electronic mail, the*
30 *Internet, a telephone text message or any other transmission of information by wire, radio, optical ca-*
31 *ble, cellular system, electromagnetic system or other similar means.]*

32 (7)(a) **As used in this section:**

33 (A) **"Electronic threat" means a threat conveyed by electronic mail, the Internet, a**
34 **telephone text message or any other transmission of information by wire, radio, optical ca-**
35 **ble, cellular system, electromagnetic system or other similar means.**

36 (B) **"Family or household member" has the meaning given that term in ORS 135.230.**

37 (b) **For purposes of subsection (4) of this section, an offense is witnessed if the offense**
38 **is seen or directly perceived in any other manner by the minor child.**

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