

Enrolled
Senate Bill 257

Sponsored by Senators GELSER, MANNING JR; Representative MEEK (Pre-session filed.)

CHAPTER

AN ACT

Relating to official misconduct; amending ORS 162.415.

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

SECTION 1. ORS 162.415 is amended to read:

162.415. (1) A public servant commits the crime of official misconduct in the first degree if:

(a) With intent to obtain a benefit or to harm another:

[(a)] (A) The public servant knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office; or

[(b)] (B) The public servant knowingly performs an act constituting an unauthorized exercise in official duties[.]; or

(b) **The public servant, while acting as a supervisory employee, violates ORS 162.405 and is aware of and consciously disregards the fact that the violation creates a risk of:**

(A) **Physical injury to a vulnerable person;**

(B) **The commission of a sex crime as defined in ORS 163A.005 against a vulnerable person; or**

(C) **The withholding from a vulnerable person of necessary and adequate food, physical care or medical attention.**

(2) Official misconduct in the first degree is a Class A misdemeanor.

(3) **As used in this section:**

(a) **“Supervisory employee” means a person having the authority, in the interest of an employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees.**

(b) **“Vulnerable person” has the meaning given that term in ORS 136.427.**

Passed by Senate April 6, 2017

Repassed by Senate June 19, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 14, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State