

A-Engrossed
Senate Bill 257

Ordered by the Senate April 4
Including Senate Amendments dated April 4

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

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.

Modifies crime of official misconduct in the first degree to include commission of official misconduct in the second degree when [*misconduct*] **public servant is aware of and consciously disregards risk that violation** places [*another*] **vulnerable** person in danger of physical injury or [*damages property of another*] **of being victim of sex crime or causes withholding of necessities from vulnerable person**. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR 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 violates ORS 162.405 and is aware of and consciously disregards a risk that the violation:

(A) Places a vulnerable person in danger of physical injury;

(B) Places a vulnerable person in danger of being the victim of a sex crime as defined in ORS 163A.005; or

(C) Causes 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, "vulnerable person" has the meaning given that term in ORS 136.427.

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.