

# B-Engrossed

# Senate Bill 257

Ordered by the House June 5  
Including Senate Amendments dated April 4 and House Amendments  
dated June 5

Sponsored by Senators GELSER, MANNING JR; Representative MEEK (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 public servant, **while acting as supervisory employee**, is aware of and consciously disregards [*risk*] **fact** that violation [*places vulnerable person in danger of physical injury or of being victim of sex crime or causes*] **creates risk of physical injury to vulnerable person, commission of sex crime against vulnerable person or** withholding of necessities from vulnerable person. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to official misconduct; amending ORS 162.415.

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

4 **SECTION 1.** ORS 162.415 is amended to read:

5 162.415. (1) A public servant commits the crime of official misconduct in the first degree if:

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

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

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

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

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

14 (B) **The commission of a sex crime as defined in ORS 163A.005 against a vulnerable per-**  
15 **son; or**

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

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

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

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

23 (b) **"Vulnerable person" has the meaning given that term in ORS 136.427.**  
24

**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.