

D R A F T

SUMMARY

Creates crime of criminal defamation of a servicemember. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Creates crime of unlawful appropriation of the identity of a servicemember. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

Relating to servicemembers; creating new provisions; and amending ORS 161.005.

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

SECTION 1. (1) A person commits the crime of criminal defamation of a servicemember if:

(a) The person intentionally harasses a servicemember by making a statement alleging less than honorable military service by the servicemember to a third person;

(b) The statement is made with the intent to cause the servicemember financial or reputational harm; and

(c) A reasonable person would interpret the statement as likely to cause financial or reputational harm to the servicemember.

(2) Criminal defamation of a servicemember is a Class A misdemeanor.

(3) It is an affirmative defense to a prosecution under this section that:

(a) The statement is true; or

(b) The servicemember who is the subject of the statement was

1 **discharged from service in any manner other than an honorable dis-**
2 **charge.**

3 (4) As used in this section, “servicemember” means a current or
4 former member of the Armed Forces of the United States, the reserve
5 components of the Armed Forces of the United States or the National
6 Guard.

7 **SECTION 2.** (1) A person commits the crime of unlawful appropri-
8 ation of the identity of a servicemember if the person, with the intent
9 to deceive or to defraud:

10 (a) Falsely claims to be a servicemember; or

11 (b) Falsely claims an official affiliation with a nonprofit or chari-
12 table organization for servicemembers.

13 (2) Unlawful appropriation of the identity of a servicemember is a
14 Class A misdemeanor.

15 (3) As used in this section, “servicemember” means a current or
16 former member of the Armed Forces of the United States, the reserve
17 components of the Armed Forces of the United States or the National
18 Guard.

19 **SECTION 3.** ORS 161.005 is amended to read:

20 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175,
21 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585,
22 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035,
23 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425,
24 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160
25 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266,
26 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575,
27 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138,
28 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805,
29 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005
30 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060
31 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340,

1 167.350, 167.810 and 167.820 **and sections 1 and 2 of this 2021 Act** shall be
2 known and may be cited as Oregon Criminal Code of 1971.

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