

**HB 3216 B STAFF MEASURE SUMMARY**

**Carrier:** Sen. Frederick

**Senate Committee On Judiciary**

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**Action Date:** 05/22/19

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 5/8, 5/22

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**WHAT THE MEASURE DOES:**

Creates a civil cause of action for a person injured by an individual who knowingly causes a police officer to contact another person if the person can establish that the individual caused the police officer to contact the person with the intent to interfere with the person's rights and liberties or otherwise harm the person as described by the measure. Provides statutory damages of \$250 against each defendant found liable, or special or general damages, whichever is greater. Provides that a civil action may be brought in a small claims court if the total damages do not otherwise restrict jurisdiction of the court.

**ISSUES DISCUSSED:**

- Provides opportunity to harmed individual to present evidence of injury caused by a false report
- Examples of false reports
- Impact on individual in crime of initiating a false report
- Focuses on intent of individual making call to law enforcement

**EFFECT OF AMENDMENT:**

Removes requirement that call to law enforcement be made for reasons other than suspected criminal activity.

**BACKGROUND:**

A person commits the crime of initiating a false report if the person knowingly initiates a false alarm or report that is transmitted to a law enforcement or emergency agency. Initiating a false report is a Class A misdemeanor under ORS 162.375. The crime of initiating a false report does not encompass elements relating to the impact on an individual contacted by law enforcement as a result of a person initiating a false report.

House Bill 3216 B establishes the right to seek a civil remedy against a person who purposefully causes an individual to be contacted by law enforcement if it is proven that the intent was to unfairly and negatively impact the individual being contacted.