

# Senate Bill 317

Sponsored by Senator HANSELL (Presession 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 **as introduced**.

Provides that person commits crime of harassment if person intentionally harasses or intimidates owner, employee or customer of licensed child care facility by repeatedly recording owner, employee or customer outside facility. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to harassment; amending ORS 166.065; and declaring an emergency.

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

4 **SECTION 1.** ORS 166.065 is amended to read:

5 166.065. (1) A person commits the crime of harassment if the person intentionally:

6 (a) Harasses or annoys another person by:

7 (A) Subjecting such other person to offensive physical contact;

8 (B) Publicly insulting such other person by abusive words or gestures in a manner intended and  
9 likely to provoke a violent response; or

10 (C) Distributing a visual recording, as defined in ORS 163.665, of the other person engaged in  
11 sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as defined in ORS  
12 163.700, when the other person is under 18 years of age at the time of the recording;

13 (b) Subjects another **person** to alarm by conveying a false report, known by the conveyor to be  
14 false, concerning death or serious physical injury to a person, which report reasonably would be  
15 expected to cause alarm; *[or]*

16 (c) Subjects another **person** to alarm by conveying a telephonic, electronic or written threat to  
17 inflict serious physical injury on [*that*] **the other** person or to commit a felony involving the person  
18 or property of [*that*] **the other** person or any member of [*that*] **the other** person's family, which  
19 threat reasonably would be expected to cause alarm[.]; **or**

20 **(d) Harasses or intimidates another person who is an owner, employee or customer of a**  
21 **licensed child care facility by repeatedly recording the other person outside the facility.**

22 (2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone  
23 or electronic device under the person's control to be used in violation of subsection (1) of this sec-  
24 tion.

25 (b) Harassment that is committed under the circumstances described in subsection (1)(c) of this  
26 section is committed in either the county in which the communication originated or the county in  
27 which the communication was received.

28 (3) Harassment is a Class B misdemeanor.

29 (4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a  
30 person violates:

**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.

1 (a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical contact  
2 and:

3 (A) The offensive physical contact consists of touching the sexual or other intimate parts of the  
4 other person; or

5 (B)(i) The victim of the offense is a family or household member of the person; and

6 (ii) The offense is committed in the immediate presence of, or is witnessed by, the person's or  
7 the victim's minor child or stepchild or a minor child residing within the household of the person  
8 or victim;

9 (b) Subsection (1)(a)(C) of this section; or

10 (c) Subsection (1)(c) of this section and:

11 (A) The person has a previous conviction under subsection (1)(c) of this section and the victim  
12 of the current offense was the victim or a member of the family of the victim of the previous offense;

13 (B) At the time the offense was committed, the victim was protected by a stalking protective  
14 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person  
15 from contacting the victim;

16 (C) At the time the offense was committed, the person reasonably believed the victim to be un-  
17 der 18 years of age and more than three years younger than the person; or

18 (D)(i) The person conveyed a threat to kill the other person or any member of the family of the  
19 other person;

20 (ii) The person expressed the intent to carry out the threat; and

21 (iii) A reasonable person would believe that the threat was likely to be followed by action.

22 (5) It is not a defense to a charge under subsection (1)(a)(C) of this section that the defendant  
23 did not know the age of the victim.

24 (6) The Oregon Criminal Justice Commission shall classify harassment as described in subsection  
25 (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the commission.

26 (7)(a) As used in this section:

27 (A) "Electronic threat" means a threat conveyed by electronic mail, the Internet, a telephone  
28 text message or any other transmission of information by wire, radio, optical cable, cellular system,  
29 electromagnetic system or other similar means.

30 (B) "Family or household member" has the meaning given that term in ORS 135.230.

31 (C) "**Licensed child care facility**" means a child care facility certified under ORS 329A.280  
32 that is operating under authority of a valid business license.

33 (b) For purposes of subsection (4) of this section, an offense is witnessed if the offense is seen  
34 or directly perceived in any other manner by the minor child.

35 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
37 **on its passage.**