

House Bill 4145

Sponsored by Representatives NERON, REARDON, HELT, Senator KNOPP; Representatives ALONSO LEON, KENY-GUYER, MEEK, NOSSE, PILUSO, PRUSAK, SALINAS, SCHOUTEN, SMITH DB, WILDE, WITT, ZIKA, Senator DEMBROW (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**.

Creates crime of unlawfully threatening a school or place of worship. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both, or five years' imprisonment, \$125,000 fine, or both, if defendant has certain prior convictions at time of offense.

A BILL FOR AN ACT

1 Relating to unlawful threats; creating new provisions; and amending ORS 161.005.

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

3 **SECTION 1. (1) A person commits the crime of unlawfully threatening a school or place**
4 **of worship if, with intent to cause public fear, panic or alarm, or knowingly creating a risk**
5 **thereof, the person initiates or circulates a report:**

6 (a) Concerning an alleged hazardous substance, alleged or impending firearm violence or
7 an alleged or impending fire, explosion, catastrophe or other emergency; and

8 (b) Stating that the hazardous substance, firearm violence, fire, explosion, catastrophe
9 or other emergency has taken place or will take place in or upon a school or place of wor-
10 ship.

11 (2)(a) Unlawfully threatening a school or place of worship is a Class A misdemeanor.

12 (b) Notwithstanding paragraph (a) of this subsection, unlawfully threatening a school or
13 place of worship is a Class C felony if the defendant has at least one prior conviction under
14 this section or under ORS 166.023 at the time of the offense.

15 (3)(a) If a person is convicted of a misdemeanor under this section, in addition to any
16 other sentence imposed, the court shall sentence the person to a term of supervised pro-
17 bation, and shall order as a condition of supervision a requirement that the person partic-
18 ipate in a mental health evaluation as directed by the supervising officer and follow the
19 recommendation of the evaluator.

20 (b) If a person is convicted of a felony under this section and the court sentences the
21 person to a term of probation, the court shall order as a condition of supervision a require-
22 ment that the person participate in a mental health evaluation as directed by the supervising
23 officer and follow the recommendation of the evaluator.

24 (4) This section does not apply to a person who, in good faith, initiates or circulates a
25 report in an attempt to warn other persons of danger, obtain an emergency response or
26 avoid physical injury or property damage.

27 (5) As used in this section:

28 (a) "Firearm" has the meaning given that term in ORS 166.210.

29 (b) "School" means:
30

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) Any real property comprising a public or private elementary, secondary or career
2 school attended primarily by minors;

3 (B) A school or children’s facility as those terms are defined in ORS 433.235; or

4 (C) An eligible post-secondary institution as defined in ORS 340.005.

5 (c) “Place of worship” means a church, synagogue, temple, mosque, chapel, meeting
6 house or other nonresidential place of worship, that is customarily associated with the
7 practices of a religious activity, including but not limited to worship services, religion
8 classes, weddings, funerals, meal programs or child care.

9 **SECTION 2.** ORS 161.005 is amended to read:

10 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290
11 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,
12 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to
13 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208,
14 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467,
15 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005,
16 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805,
17 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095, 166.350,
18 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162,
19 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and section 1 of this 2020 Act**
20 shall be known and may be cited as Oregon Criminal Code of 1971.

21