

SB 289 A – Questions and Answers for the House Committee on Judiciary

Question: What scope do the SB 289A exclusions have?

Answer: A person with a qualifying conviction for bias crime would be excluded from any building, land, or water area under the jurisdiction of the State Parks and Recreation Department except for the State Capitol State Park.

Question: What interaction does this measure have with State Capitol grounds?

Answer: The penalties created by the measure cannot include an exclusion specifically from State capitol grounds as they are exempted from the penalties. However, if a person is convicted of a bias crime that was committed while in the State capitol grounds, they would not be exempted from the other penalties in the measure which include exclusion from any building, land, or water area under jurisdiction of State Parks and Recreation Dept except for the State Capitol grounds.

Question: When would the exclusions and revocations start and who decides them?

Answer:

1. A person convicted of the qualifying offense is mandatorily excluded for a period of 6 months to 5 years from buildings or land or water under the jurisdiction of the State Parks and Recreation Department. That exclusion clock starts running on the date of entry of judgment of conviction. The court is required to notify the department of such entry of judgment of conviction. The court would have the discretion to decide the length of exclusion and would inform the department of the length of the exclusion.
2. A person convicted of the qualifying offense is mandatorily to have their boating safety education card suspended for 6 months to 5 years, and to have their waterway access permit revoked for 6 months to 5 years. They may not have a safety education card issued for 6 months to 5 years, and they may not have a waterway access permit issued for 6 months to 5 years. This clock starts running at the date of entry of judgment of the conviction. Like the other penalty, the court must notify the State Marine Board of the qualifying conviction who then shall make the appropriate suspension or revocation based on what is ordered by the sentencing judge.
3. A person convicted of the qualifying offense may have their fish and wildlife licenses, tags, and permits revoked by the State Fish and Wildlife Commission if a judge orders that penalty. *This is discretionary, not mandatory.* If a judge orders this, a court order and a copy of any licenses, tags, and permits are forwarded to the Commission, who must then upon receipt cause the revocation pursuant to the court order.

Question: What conduct is criminalized by the bias crime statutes?

Answer:

ORS 166.155

(1)A person commits a bias crime in the second degree if the person:

(a)Tampers or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin;

(b)Intentionally subjects another person to offensive physical contact because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin; or

(c)Intentionally, because of the person's perception of race, color, religion, gender identity, sexual orientation, disability or national origin of another person or of a member of the other person's family, subjects the other person to alarm by threatening:

(A)To inflict serious physical injury upon or to commit a felony affecting the other person, or a member of the other person's family; or

(B)To cause substantial damage to the property of the other person or of a member of the other person's family.

(2)A bias crime in the second degree is a Class A misdemeanor.

ORS 166.165

(1)A person commits a bias crime in the first degree if the person:

(a)Intentionally, knowingly or recklessly causes physical injury to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin;

(b)With criminal negligence causes physical injury to another person by means of a deadly weapon because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin; or

(c)Intentionally, because of the person's perception of another person's race, color, religion, gender identity, sexual orientation, disability or national origin, places another person in fear of imminent serious physical injury.

(2)A bias crime in the first degree is a Class C felony.