House Bill 2215

Sponsored by Representative WILDE (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.

Modifies crimes of official misconduct in the second degree and official misconduct in the first degree.

A BILL FOR AN ACT

Relating to official misconduct; amending ORS 162.405 and 162.415.

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

SECTION 1. ORS 162.405 is amended to read:

162.405. (1) A public servant commits the crime of official misconduct in the second degree if the public servant knowingly violates any statute, provision of case law, administrative rule or provision of the United States Constitution or Oregon Constitution relating to the office of the public servant.

(2) Official misconduct in the second degree is a Class C misdemeanor.

SECTION 2. ORS 162.415 is amended to read:

162.415. (1) A public servant commits the crime of official misconduct in the first degree if:

(a) With intent to obtain a benefit or to harm another:

(A) The public servant knowingly fails to perform a duty imposed upon the public servant by statutory or case law, an administrative rule or a provision of the United States Constitution or Oregon Constitution, or one clearly inherent in the nature of office; or

(B) The public servant knowingly performs an act constituting an unauthorized exercise in official duties; or

(b) The public servant, while acting as a supervisory employee, violates ORS 162.405 and is aware of and consciously disregards the fact that the violation creates a risk of:

(A) Physical injury to a vulnerable person;

(B) The commission of a sex crime as defined in ORS 163A.005 against a vulnerable person; or

(C) The withholding from a vulnerable person of necessary and adequate food, physical care or medical attention.

(2) Official misconduct in the first degree is a Class A misdemeanor.

(3) As used in this section:

(a) “Supervisory employee” means a person having the authority, in the interest of an employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees.

(b) “Vulnerable person” has the meaning given that term in ORS 136.427.

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.

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