

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

1
2 Relating to official misconduct; amending ORS 162.405 and 162.415.

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

4 **SECTION 1.** ORS 162.405 is amended to read:

5 162.405. (1) A public servant commits the crime of official misconduct in the second degree if the
6 *[person]* **public servant** knowingly violates any statute, **provision of case law, administrative rule**
7 **or provision of the United States Constitution or Oregon Constitution** relating to the office of
8 the *[person]* **public servant**.

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

10 **SECTION 2.** ORS 162.415 is amended to read:

11 162.415. (1) A public servant commits the crime of official misconduct in the first degree if:

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

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

16 (B) The public servant knowingly performs an act constituting an unauthorized exercise in offi-
17 cial duties; or

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

20 (A) Physical injury to a vulnerable person;

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

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

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

25 (3) As used in this section:

26 (a) "Supervisory employee" means a person having the authority, in the interest of an employer,
27 to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other em-
28 ployees.

29 (b) "Vulnerable person" has the meaning given that term in ORS 136.427.
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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.