

House Bill 2297

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**.

Defines term "actional benefit." Expands bribery crimes to include when person offers, confers or agrees to confer, or solicits, accepts or agrees to accept, actional benefit for specified purposes.

A BILL FOR AN ACT

1
2 Relating to bribery; amending ORS 162.005, 162.015, 162.025, 162.035, 162.265 and 162.275.

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

4 **SECTION 1.** ORS 162.005 is amended to read:

5 162.005. As used in ORS 162.005 to 162.425, unless the context requires otherwise:

6 (1) **"Actional benefit" means gain or advantage to the beneficiary or a third person,**
7 **pursuant to the desire of the beneficiary or a third person, in the form of:**

8 (a) **The performance of an unlawful act;**

9 (b) **The provision of false testimony or offering of false evidence, or the refusal to testify**
10 **or offer evidence in violation of a lawful order, in any official proceeding or investigation or**
11 **potential official proceeding or investigation; or**

12 (c) **The refusal to disclose nonpublic information publicly or to a third party in violation**
13 **of a lawful order.**

14 *[(1)]* (2) **"Pecuniary benefit" means gain or advantage to the beneficiary or to a third person**
15 **pursuant to the desire or consent of the beneficiary, in the form of money, property, commercial**
16 **interests or economic gain, but does not include a political campaign contribution reported in ac-**
17 **cordance with ORS chapter 260.**

18 *[(2)]* (3) **"Public servant" means:**

19 (a) A public official as defined in ORS 244.020;

20 (b) A person serving as an advisor, consultant or assistant at the request or direction of the
21 state, any political subdivision thereof or of any governmental instrumentality within the state;

22 (c) A person nominated, elected or appointed to become a public servant, although not yet oc-
23 cupying the position; and

24 (d) Jurors.

25 **SECTION 2.** ORS 162.015 is amended to read:

26 162.015. (1) A person commits the crime of bribe giving if the person offers, confers or agrees
27 to confer any pecuniary benefit **or actional benefit** upon a public servant with the intent to influ-
28 ence the public servant's vote, opinion, judgment, action, decision or exercise of discretion in an
29 official capacity.

30 (2) Bribe giving is a Class B felony.

31 **SECTION 3.** ORS 162.025 is amended to read:

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.

1 162.025. (1) A public servant commits the crime of bribe receiving if the public servant:

2 (a) Solicits any pecuniary benefit **or actional benefit** with the intent that the vote, opinion,
3 judgment, action, decision or exercise of discretion as a public servant will thereby be influenced;
4 or

5 (b) Accepts or agrees to accept any pecuniary benefit **or actional benefit** upon an agreement
6 or understanding that the vote, opinion, judgment, action, decision or exercise of discretion as a
7 public servant will thereby be influenced.

8 (2) Bribe receiving is a Class B felony.

9 **SECTION 4.** ORS 162.035 is amended to read:

10 162.035. (1) In any prosecution under ORS 162.015, it is a defense that the defendant offered,
11 conferred or agreed to confer the pecuniary benefit **or actional benefit** as a result of the public
12 servant's conduct constituting extortion or coercion.

13 (2) It is no defense to a prosecution under ORS 162.015 and 162.025 that the person sought to
14 be influenced was not qualified to act in the desired way, whether because the person had not as-
15 sumed office, lacked jurisdiction or for any other reason.

16 **SECTION 5.** ORS 162.265 is amended to read:

17 162.265. (1) A person commits the crime of bribing a witness if the person offers, confers or
18 agrees to confer any pecuniary benefit **or actional benefit** upon a witness in any official proceed-
19 ing, or a person the person believes may be called as a witness, with the intent that:

20 (a) The testimony of the person as a witness will thereby be influenced; or

21 (b) The person will avoid legal process summoning the person to testify; or

22 (c) The person will be absent from any official proceeding to which the person has been legally
23 summoned.

24 (2) Bribing a witness is a Class C felony.

25 **SECTION 6.** ORS 162.275 is amended to read:

26 162.275. (1) A witness in any official proceeding, or a person who believes the person may be
27 called as a witness, commits the crime of bribe receiving by a witness if the person solicits any
28 pecuniary benefit **or actional benefit** with the intent, or accepts or agrees to accept any pecuniary
29 benefit **or actional benefit** upon an agreement or understanding, that:

30 (a) The testimony of the person as a witness will thereby be influenced; or

31 (b) The person will avoid legal process summoning the person to testify; or

32 (c) The person will be absent from any official proceeding to which the person has been legally
33 summoned.

34 (2) Bribe receiving by a witness is a Class C felony.

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