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

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

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

SECTION 1. ORS 162.005 is amended to read:

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

(1) “Actional benefit” means gain or advantage to the beneficiary or a third person, pursuant to the desire of the beneficiary or a third person, in the form of:

(a) The performance of an unlawful act;

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

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

(2) “Pecuniary benefit” means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary, in the form of money, property, commercial interests or economic gain, but does not include a political campaign contribution reported in accordance with ORS chapter 260.

SECTION 2. ORS 162.015 is amended to read:

162.015. (1) A person commits the crime of bribe giving if the person offers, confers or agrees to confer any pecuniary benefit or actional benefit upon a public servant with the intent to influence the public servant’s vote, opinion, judgment, action, decision or exercise of discretion in an official capacity.

(2) Bribe giving is a Class B felony.

SECTION 3. ORS 162.025 is amended to read:

NOTE: Matter in boldfaced type in an amended section is new; matter in italic and bracketed is existing law to be omitted. New sections are in boldfaced type.
162.025. (1) A public servant commits the crime of bribe receiving if the public servant:

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

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

(2) Bribe receiving is a Class B felony.

SECTION 4. ORS 162.035 is amended to read:

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

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

SECTION 5. ORS 162.265 is amended to read:

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

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

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

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

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

SECTION 6. ORS 162.275 is amended to read:

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

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

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

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

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