

HOUSE AMENDMENTS TO HOUSE BILL 4144

By COMMITTEE ON RULES

February 22

- 1 On page 1 of the printed bill, line 2, delete “, 166.070”.
- 2 On page 2, delete lines 4 through 45 and delete page 3 and insert:
- 3 “**SECTION 2.** ORS 166.065 is amended to read:
- 4 “166.065. (1) A person commits the crime of harassment if the person intentionally:
- 5 “(a) Harasses or annoys another person by:
- 6 “(A) Subjecting such other person to offensive physical contact; or
- 7 “(B) Publicly insulting such other person by abusive words or gestures in a manner intended and
- 8 likely to provoke a violent response;
- 9 “(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,
- 10 concerning death or serious physical injury to a person, which report reasonably would be expected
- 11 to cause alarm; or
- 12 “(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict
- 13 serious physical injury on that person or to commit a felony involving the person or property of that
- 14 person or any member of that person’s family, which threat reasonably would be expected to cause
- 15 alarm.
- 16 “(2)(a) A person is criminally liable for harassment if the person knowingly permits any tele-
- 17 phone or electronic device under the person’s control to be used in violation of subsection (1) of this
- 18 section.
- 19 “(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this
- 20 section is committed in either the county in which the communication originated or the county in
- 21 which the communication was received.
- 22 “(3) Harassment is a Class B misdemeanor.
- 23 “(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a
- 24 person violates:
- 25 “(a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical con-
- 26 tact and:
- 27 “(A) The offensive physical contact consists of touching the sexual or other intimate parts of the
- 28 other person; or
- 29 “(B)(i) The victim of the offense is a family or household member of the person; and
- 30 “(ii) The offense is committed in the immediate presence of, or is witnessed by, the person’s or
- 31 the victim’s minor child or stepchild or a minor child residing within the household of the person
- 32 or victim; or
- 33 “(b) Subsection (1)(c) of this section and:
- 34 “(A) The person has a previous conviction under subsection (1)(c) of this section and the victim
- 35 of the current offense was the victim or a member of the family of the victim of the previous offense;

1 “(B) At the time the offense was committed, the victim was protected by a stalking protective
2 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person
3 from contacting the victim;

4 “(C) At the time the offense was committed, the person reasonably believed the victim to be
5 under 18 years of age and more than three years younger than the person; or

6 “(D)(i) The person conveyed a threat to kill the other person or any member of the family of the
7 other person;

8 “(ii) The person expressed the intent to carry out the threat; and

9 “(iii) A reasonable person would believe that the threat was likely to be followed by action.

10 “(c) **Subsection (1)(a)(A), (b) or (c) of this section by committing the crime of harassment**
11 **against:**

12 “(A) **An election worker who is performing the election worker’s official duties at the**
13 **time the harassment occurs; or**

14 “(B) **An election worker because of an action taken or decision made by the election**
15 **worker during the performance of the election worker’s official duties.**

16 “(5) The Oregon Criminal Justice Commission shall classify harassment as described in sub-
17 section (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the commission.

18 “(6)(a) As used in this section:

19 “(A) **‘Election worker’ has the meaning given that term in ORS 247.965.**

20 “[A] (B) **‘Electronic threat’** means a threat conveyed by electronic mail, the Internet, a tele-
21 phone text message or any other transmission of information by wire, radio, optical cable, cellular
22 system, electromagnetic system or other similar means.

23 “[B] (C) **‘Family or household member’** has the meaning given that term in ORS 135.230.

24 “(b) For purposes of subsection (4) of this section, an offense is witnessed if the offense is seen
25 or directly perceived in any other manner by the minor child.

26 “**SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
28 **on its passage.”**