

House Bill 4144

Sponsored by COMMITTEE ON RULES (at the request of Secretary of State Shemia Fagan)

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**.

Allows identified election worker to have residence address exempted from disclosure as public record by county clerk.

Establishes that crime of harassment or aggravated harassment includes harassment against election worker. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to election workers; amending ORS 166.065, 166.070 and 247.965; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 247.965 is amended to read:

6 247.965. (1) Any elector may request the county clerk to keep the residence address of the
7 elector exempt from disclosure as a public record under ORS 192.311 to 192.478.

8 (2) The county clerk shall keep the residence address of an elector exempt from disclosure as
9 a public record under ORS 192.311 to 192.478 if:

10 (a) The elector making the request demonstrates to the satisfaction of the county clerk that the
11 elector's personal safety or the safety of any family member residing with the elector is in danger
12 if the elector's address remains available for public inspection; **or**

13 (b) **The elector is has been identified as an election worker by the Secretary of State,**
14 **county clerk or other public body as defined in ORS 174.109 in a manner prescribed by the**
15 **secretary by rule.**

16 (3) The county clerk shall automatically mail a ballot to an elector whose residence address is
17 exempt from disclosure under this section.

18 (4) An exemption from disclosure granted under this section shall remain in effect until the
19 elector requests termination of the exemption or the elector is required to update the elector's
20 registration. If the elector is required to update the elector's registration, the elector may apply for
21 another exemption from disclosure.

22 (5) An exemption from disclosure granted under this section includes an exemption from disclo-
23 sure of the residence address of an elector under ORS 247.940 or 247.945.

24 (6) A county clerk or the Secretary of State shall not be held liable for:

25 (a) Granting or denying an exemption from disclosure under this section; or

26 (b) Any unauthorized release of a residence address granted an exemption from disclosure under
27 this section.

28 (7) **As used in this section, "election worker" means an individual employed full-time,**
29 **part-time or as a volunteer:**

30 (a) **Who is serving the State of Oregon or any other public body, as defined in ORS**

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 **174.109, as an elected official, appointed official, employee or agent; and**

2 **(b) Whose official duties include carrying out any duty, function or power set forth in**
3 **ORS chapters 246 to 260.**

4 **SECTION 2.** ORS 166.065 is amended to read:

5 166.065. (1) A person commits the crime of harassment if the person intentionally:

6 (a) Harasses or annoys another person by:

7 (A) Subjecting such other person to offensive physical contact; or

8 (B) Publicly insulting such other person by abusive words or gestures in a manner intended and
9 likely to provoke a violent response;

10 (b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,
11 concerning death or serious physical injury to a person, which report reasonably would be expected
12 to cause alarm; or

13 (c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict
14 serious physical injury on that person or to commit a felony involving the person or property of that
15 person or any member of that person's family, which threat reasonably would be expected to cause
16 alarm.

17 (2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone
18 or electronic device under the person's control to be used in violation of subsection (1) of this sec-
19 tion.

20 (b) Harassment that is committed under the circumstances described in subsection (1)(c) of this
21 section is committed in either the county in which the communication originated or the county in
22 which the communication was received.

23 (3) Harassment is a Class B misdemeanor.

24 (4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a
25 person violates:

26 (a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical contact
27 and:

28 (A) The offensive physical contact consists of touching the sexual or other intimate parts of the
29 other person; or

30 (B)(i) The victim of the offense is a family or household member of the person; and

31 (ii) The offense is committed in the immediate presence of, or is witnessed by, the person's or
32 the victim's minor child or stepchild or a minor child residing within the household of the person
33 or victim; or

34 (b) Subsection (1)(c) of this section and:

35 (A) The person has a previous conviction under subsection (1)(c) of this section and the victim
36 of the current offense was the victim or a member of the family of the victim of the previous offense;

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

40 (C) At the time the offense was committed, the person reasonably believed the victim to be un-
41 der 18 years of age and more than three years younger than the person; or

42 (D)(i) The person conveyed a threat to kill the other person or any member of the family of the
43 other person;

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

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

1 **(5) Notwithstanding subsections (3) and (4) of this section, harassment is a Class C felony**
 2 **if a person violates subsection (1)(a)(A), (b) or (c) of this section by committing the crime**
 3 **of harassment against:**

4 **(a) An election worker who is performing the election worker’s official duties at the time**
 5 **the harassment occurs; or**

6 **(b) An election worker because of an action taken or decision made by the election**
 7 **worker during the performance of the election worker’s official duties.**

8 [(5)] (6) The Oregon Criminal Justice Commission shall classify harassment as described in
 9 subsection (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the com-
 10 mission.

11 [(6)(a)] (7)(a) As used in this section:

12 **(A) “Election worker” has the meaning given that term in ORS 247.965.**

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

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

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

19 **SECTION 3.** ORS 166.070 is amended to read:

20 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that
 21 the other person is [a]:

22 (a) **A** staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous
 23 substance at the staff member while the staff member is acting in the course of official duty or as
 24 a result of the staff member’s official duties;

25 (b) **A** public safety officer, knowingly propels blood, urine, semen or feces at the public safety
 26 officer while the public safety officer is acting in the course of official duty or as a result of the
 27 public safety officer’s official duties; [or]

28 (c) **A** public safety officer, intentionally propels saliva at the public safety officer, and the saliva
 29 comes into physical contact with the public safety officer, while the public safety officer is acting
 30 in the course of official duty or as a result of the public safety officer’s official duties; **or**

31 **(d) An election worker, knowingly propels saliva, blood, urine, semen, feces or other**
 32 **dangerous substance at the election worker while the election worker is acting in the course**
 33 **of official duty or as a result of the election worker’s official duties.**

34 (2) Aggravated harassment is a Class C felony. When a person is convicted of violating sub-
 35 section (1)(a) of this section, in addition to any other sentence it may impose, the court shall impose
 36 a term of incarceration in a state correctional facility.

37 (3) As used in this section:

38 **(a) “Election worker” has the meaning given that term in ORS 247.965.**

39 [(a)] **(b)** “Public safety officer” means an emergency medical services provider as defined in ORS
 40 682.025, a regulatory specialist as defined in ORS 471.001 or a fire service professional, a parole and
 41 probation officer or a police officer as those terms are defined in ORS 181A.355.

42 [(b)] **(c)** “Staff member” has the meaning given that term in ORS 163.165.

43 **SECTION 4. This 2022 Act being necessary for the immediate preservation of the public**
 44 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
 45 **on its passage.**

