

HB 4144-1  
(LC 286)  
2/18/22 (DRG/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Representative Andrea Valderrama)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4144**

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 in-  
5 tentionally:

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  
9 a manner intended and likely to provoke a violent response;

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

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

18 “(2)(a) A person is criminally liable for harassment if the person know-  
19 ingly permits any telephone or electronic device under the person’s control  
20 to be used in violation of subsection (1) of this section.

21 “(b) Harassment that is committed under the circumstances described in

1 subsection (1)(c) of this section is committed in either the county in which  
2 the communication originated or the county in which the communication  
3 was received.

4 “(3) Harassment is a Class B misdemeanor.

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

7 “(a) Subsection (1)(a)(A) of this section by subjecting another person to  
8 offensive physical contact and:

9 “(A) The offensive physical contact consists of touching the sexual or  
10 other intimate parts of the other person; or

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

13 “(ii) The offense is committed in the immediate presence of, or is wit-  
14 nessed by, the person’s or the victim’s minor child or stepchild or a minor  
15 child residing within the household of the person or victim; or

16 “(b) Subsection (1)(c) of this section and:

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

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

23 “(C) At the time the offense was committed, the person reasonably be-  
24 lieved the victim to be under 18 years of age and more than three years  
25 younger than the person; or

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

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

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

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

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

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

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

11       “(6)(a) As used in this section:

12       “(A) ‘Election worker’ has the meaning given that term in ORS  
13       **247.965.**

14       “[(A)] (B) ‘Electronic threat’ means a threat conveyed by electronic mail,  
15       the Internet, a telephone text message or any other transmission of infor-  
16       mation by wire, radio, optical cable, cellular system, electromagnetic system  
17       or other similar means.

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

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

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

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