

# D R A F T

## SUMMARY

Digest: The Act makes changes to two harassment crimes. The Act also reduces some crimes to violations. (Flesch Readability Score: 71.8).

Repeals a manner of committing the crime of harassment. Requires that for a manner of committing the crime of aggravated harassment, the person must create a risk of spreading communicable disease to the victim.

Reduces to Class A violation offenses the crimes of failure to appear in a violation proceeding, failure to appear in the second degree, criminal trespass in the second degree, criminal mischief in the third degree, failure to carry a license or to present a license to a police officer and, under specified circumstances, failure to appear on a criminal citation, theft in the third degree, failure to report as a sex offender, driving while suspended and failure to perform the duties of a driver when property is damaged. Punishes by a maximum fine of \$2,000.

## A BILL FOR AN ACT

Relating to crime; creating new provisions; and amending ORS 132.320, 133.076, 153.992, 161.067, 162.195, 163A.040, 164.043, 164.245, 164.345, 166.065, 166.070, 807.072, 807.570, 811.182, 811.230, 811.700 and 811.706.

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

## HARASSMENT CHANGES

**SECTION 1.** ORS 166.065 is amended to read:

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

(a) Harasses or annoys another person by[:]

[(A)] subjecting such other person to offensive physical contact; [or]

1        *[(B) Publicly insulting such other person by abusive words or gestures in*  
2 *a manner intended and likely to provoke a violent response;]*

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

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

11        (2)(a) A person is criminally liable for harassment if the person knowingly  
12 permits any telephone or electronic device under the person's control to be  
13 used in violation of subsection (1) of this section.

14        (b) Harassment that is committed under the circumstances described in  
15 subsection (1)(c) of this section is committed in either the county in which  
16 the communication originated or the county in which the communication  
17 was received.

18        (3) Harassment is a Class B misdemeanor.

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

21        (a) Subsection *[(1)(a)(A)]* **(1)(a)** of this section by subjecting another per-  
22 son to offensive physical contact and:

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

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

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

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

31        (A) The person has a previous conviction under subsection (1)(c) of this

1 section and the victim of the current offense was the victim or a member of  
2 the family of the victim of the previous offense;

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

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

9 (D)(i) The person conveyed a threat to kill the other person or any mem-  
10 ber of the family of the other person;

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

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

14 (c) Subsection [(1)(a)(A)] **(1)(a)**, (b) or (c) of this section by committing  
15 the crime of harassment against:

16 (A) An election worker who is performing the election worker's official  
17 duties at the time the harassment occurs; or

18 (B) An election worker because of an action taken or decision made by  
19 the election worker during the performance of the election worker's official  
20 duties.

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

24 (6)(a) As used in this section:

25 (A) "Election worker" has the meaning given that term in ORS 247.965.

26 (B) "Electronic threat" means a threat conveyed by electronic mail, the  
27 Internet, a telephone text message or any other transmission of information  
28 by wire, radio, optical cable, cellular system, electromagnetic system or other  
29 similar means.

30 (C) "Family or household member" has the meaning given that term in  
31 ORS 135.230.

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

4 **SECTION 2.** ORS 166.070 is amended to read:

5 166.070. (1) A person commits the crime of aggravated harassment if the  
6 person, knowing that the other person is a:

7 (a) Staff member, knowingly propels saliva, blood, urine, semen, feces or  
8 other dangerous substance at the staff member while the staff member is  
9 acting in the course of official duty or as a result of the staff member's of-  
10 ficial duties;

11 (b) Public safety officer, knowingly propels blood, urine, semen or feces  
12 at the public safety officer while the public safety officer is acting in the  
13 course of official duty or as a result of the public safety officer's official  
14 duties; or

15 (c) Public safety officer, intentionally propels saliva at the public safety  
16 officer, and the saliva comes into physical contact with the public safety  
17 officer **and creates a risk of spreading communicable disease to the**  
18 **officer**, while the [*public safety*] officer is acting in the course of official  
19 duty or as a result of the [*public safety*] officer's official duties.

20 (2) Aggravated harassment is a Class C felony. When a person is con-  
21 victed of violating subsection (1)(a) of this section, in addition to any other  
22 sentence it may impose, the court shall impose a term of incarceration in a  
23 state correctional facility.

24 (3) As used in this section:

25 (a) "Public safety officer" means an emergency medical services provider  
26 as defined in ORS 682.025, a regulatory specialist as defined in ORS 471.001  
27 or a fire service professional, a parole and probation officer or a police of-  
28 ficer as those terms are defined in ORS 181A.355.

29 (b) "Staff member" has the meaning given that term in ORS 163.165.  
30

31 **DECRIMINALIZATION OF CERTAIN CRIMES**

1        **SECTION 3.** ORS 133.076 is amended to read:

2        133.076. (1) A person commits the offense of failure to appear on a crimi-  
3        nal citation if the person has been served with a criminal citation issued  
4        under ORS 133.055 to 133.076 and the person knowingly fails to do any of the  
5        following:

- 6        (a) Make an appearance in the manner required by ORS 133.060.
  - 7        (b) Make appearance at the time set for trial in the criminal proceeding.
  - 8        (c) Appear at any other time required by the court or by law.
- 9        (2) Failure to appear on a criminal citation:

- 10       (a) Is a Class A misdemeanor **if the citation is for a felony offense.**
- 11       (b) **Is a Class A violation if the citation is for a misdemeanor of-**  
12       **fense.**

13       **SECTION 4.** ORS 153.992, as amended by section 64, chapter 70, Oregon  
14       Laws 2024, is amended to read:

15       153.992. (1) A person commits the offense of failure to appear in a vio-  
16       lation proceeding if the person has been served with a citation issued under  
17       this chapter for a violation and the person knowingly fails to do any of the  
18       following:

- 19       (a) Make a first appearance in the manner required by ORS 153.061 within  
20       the time allowed.
- 21       (b) Make appearance at the time set for trial in the violation proceeding.
- 22       (c) Appear at any other time required by the court or by law.

23       (2) Failure to appear on a violation citation is a [*Class A misdemeanor*]  
24       **Class A violation.**

25       **SECTION 5.** ORS 162.195 is amended to read:

26       162.195. (1) A person commits the [*crime*] **offense** of failure to appear in  
27       the second degree if the person knowingly fails to appear as required after:

- 28       (a) Having by court order been released from custody or a correctional  
29       facility under a release agreement or security release upon the condition that  
30       the person will subsequently appear personally in connection with a charge  
31       against the person of having committed a misdemeanor; or

1 (b) Having been released from a correctional facility subject to a forced  
2 release agreement under ORS 169.046 in connection with a charge against the  
3 person of having committed a misdemeanor.

4 (2) Failure to appear in the second degree is a [*Class A misdemeanor*]  
5 **Class A violation.**

6 **SECTION 6.** ORS 163A.040 is amended to read:

7 163A.040. (1) A person who is required to report as a sex offender in ac-  
8 cordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020  
9 or 163A.025 and who has knowledge of the reporting requirement commits  
10 the crime of failure to report as a sex offender if the person:

11 (a) Fails to make the initial report to an agency;

12 (b) Fails to report when the person works at, carries on a vocation at or  
13 attends an institution of higher education;

14 (c) Fails to report following a change of school enrollment or employment  
15 status, including enrollment, employment or vocation status at an institution  
16 of higher education;

17 (d) Moves to a new residence and fails to report the move and the  
18 person's new address;

19 (e) Fails to report a legal change of name;

20 (f) Fails to make an annual report;

21 (g) Fails to provide complete and accurate information;

22 (h) Fails to sign the sex offender registration form as required;

23 (i) Fails or refuses to participate in a sex offender risk assessment as di-  
24 rected by the State Board of Parole and Post-Prison Supervision, Psychiatric  
25 Security Review Board, Oregon Health Authority or supervisory authority;

26 (j) Fails to submit to fingerprinting or to having a photograph taken of  
27 the person's face, identifying scars, marks or tattoos; or

28 (k) Fails to report prior to any intended travel outside of the United  
29 States.

30 (2)(a) It is an affirmative defense to a charge of failure to report under  
31 subsection (1)(d) of this section by a person required to report under ORS

1 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-  
2 ported, in person, within 10 days of a change of residence to the Department  
3 of State Police, a city police department or a county sheriff's office, in the  
4 county of the person's new residence, if the person otherwise complied with  
5 all reporting requirements.

6 (b) It is an affirmative defense to a charge of failure to report under  
7 subsection (1)(a) of this section by a person required to report under ORS  
8 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department  
9 of State Police in Marion County, Oregon, within 10 days of moving into this  
10 state.

11 (c) It is an affirmative defense to a charge of failure to report under  
12 subsection (1)(a) of this section by a person required to report under ORS  
13 163A.025 (2)(b)(B)(i) that the person reported, in person, to the Department  
14 of State Police in Marion County, Oregon, within six months of moving into  
15 this state.

16 (d) It is an affirmative defense to a charge of failure to report under  
17 subsection (1) of this section by a person required to report under ORS  
18 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the  
19 Department of State Police in Marion County, Oregon, if the person other-  
20 wise complied with all reporting requirements.

21 (e) It is an affirmative defense to a charge of failure to report under  
22 subsection (1) of this section by a person required to report under ORS  
23 163A.025 (3) that the person reported, in person, to the Department of State  
24 Police, a city police department or a county sheriff's office, in the county  
25 of the person's residence, if the person otherwise complied with all reporting  
26 requirements.

27 (f) It is an affirmative defense to a charge of failure to report under  
28 subsection (1) of this section by a person required to report under ORS  
29 163A.010 (3) that the person reported to the Oregon Youth Authority if the  
30 person establishes that the authority registered the person under ORS  
31 163A.010 (3)(c).

1 (g) It is an affirmative defense to a charge of failure to report under  
2 subsection (1) of this section by a person required to report under ORS  
3 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority  
4 or a county juvenile department if the person establishes that the authority  
5 or department registered the person under ORS 163A.025 (8).

6 (3)(a) Except as otherwise provided in [*paragraph (b)*] **paragraphs (b)**  
7 **and (c)** of this subsection, failure to report as a sex offender is a Class A  
8 misdemeanor.

9 (b) Failure to report as a sex offender is a Class C felony if the person  
10 violates:

11 (A) Subsection (1)(a) of this section; or

12 (B) Subsection (1)(b), (c), (d), (e) or (h) of this section and the crime for  
13 which the person is required to report is a felony.

14 **(c)(A) If a person is arrested or cited for a violation of subsection**  
15 **(1)(b) to (h) of this section constituting a misdemeanor, the person**  
16 **shall be offered by the arresting or citing officer the opportunity to**  
17 **complete any report the person is being arrested or cited for failing**  
18 **to complete. If the person completes the required report, the person**  
19 **may be cited for and convicted of a Class A violation offense only.**

20 **(B) In a prosecution under this section, a report completed pursu-**  
21 **ant to this paragraph may only be used to determine the offense level**  
22 **of the charge, and may not be used as evidence that the person vio-**  
23 **lated subsection (1)(b) to (h) of this section.**

24 (4) A person who fails to sign and return an address verification form as  
25 required by ORS 163A.035 (4) commits a violation.

26 **SECTION 7.** ORS 164.043 is amended to read:

27 164.043. (1) A person commits the [*crime*] **offense** of theft in the third  
28 degree if:

29 (a) By means other than extortion, the person commits theft as defined  
30 in ORS 164.015; and

31 (b) The total value of the property in a single or an aggregate transaction



1 is less than \$100.

2 (2)(a) Theft in the third degree is a Class C misdemeanor.

3 (b) **Notwithstanding paragraph (a) of this subsection, theft in the**  
4 **third degree is a Class A violation if the property is a basic need item.**

5 (3) **As used in this section, “basic need item” means food, water,**  
6 **clothing, health care or medical supplies, shelter including but not**  
7 **limited to tarps and tents, reproductive care items including but not**  
8 **limited to condoms and menstrual products, child care items including**  
9 **but not limited to diapers and formula or sanitation items including**  
10 **but not limited to soap, disinfectant and toilet tissues.**

11 **SECTION 8.** ORS 164.245 is amended to read:

12 164.245. (1) A person commits the [*crime*] **offense** of criminal trespass in  
13 the second degree if the person enters or remains unlawfully in a motor ve-  
14 hicle or in or upon premises.

15 (2) Criminal trespass in the second degree is a [*Class C misdemeanor*]  
16 **Class A violation.**

17 **SECTION 9.** ORS 164.345 is amended to read:

18 164.345. (1) A person commits the [*crime*] **offense** of criminal mischief in  
19 the third degree if, with intent to cause substantial inconvenience to the  
20 owner or to another person, and having no right to do so nor reasonable  
21 ground to believe that the person has such right, the person tampers or in-  
22 terferes with property of another.

23 (2) Criminal mischief in the third degree is a [*Class C misdemeanor*] **Class**  
24 **A violation.**

25 **SECTION 10.** ORS 807.570 is amended to read:

26 807.570. (1) A person commits the offense of failure to carry a license or  
27 to present a license to a police officer if the person either:

28 (a) Drives any motor vehicle upon a highway in this state without a li-  
29 cense, driver permit or out-of-state license in the person’s possession; or

30 (b) Does not present and deliver such license or permit to a police officer  
31 when requested by the police officer under any of the following circum-

1 stances:

2 (A) Upon being lawfully stopped or detained when driving a vehicle.

3 (B) When the vehicle that the person was driving is involved in an acci-  
4 dent.

5 (2) This section does not apply to any person expressly exempted under  
6 ORS 807.020 from the requirement to have a driver license or driver permit.

7 (3) Except as provided in ORS 813.110, it is a defense to any charge under  
8 this section that the person so charged produce a license, driver permit or  
9 out-of-state license that had been issued to the person and was valid at the  
10 time of violation of this section.

11 (4) A police officer may detain a person arrested or cited for the offense  
12 described in this section only for such time as reasonably necessary to in-  
13 vestigate and verify the person's identity.

14 (5) The offense described in this section, failure to carry a license or to  
15 present a license to a police officer, is a [*Class C misdemeanor*] **Class A**  
16 **violation.**

17 **SECTION 11.** ORS 811.182 is amended to read:

18 811.182. (1) A person commits the offense of criminal driving while sus-  
19 pended or revoked if the person violates ORS 811.175 and the suspension or  
20 revocation is one described in this section, or if the hardship permit violated  
21 is based upon a suspension or revocation described in subsection (3) or (4)  
22 of this section.

23 (2) Affirmative defenses to the offense described in this section are es-  
24 tablished under ORS 811.180.

25 (3) The offense described in this section, criminal driving while suspended  
26 or revoked, is a Class B felony if the suspension or revocation resulted from  
27 any degree of murder, manslaughter, criminally negligent homicide or assault  
28 resulting from the operation of a motor vehicle, if the suspension or revo-  
29 cation resulted from aggravated vehicular homicide or aggravated driving  
30 while suspended or revoked or if the revocation resulted from a conviction  
31 for felony driving while under the influence of intoxicants.

1 (4) The offense described in this section, criminal driving while suspended  
2 or revoked, is a Class A misdemeanor if the [*suspension or*] revocation is  
3 [*any*] **either** of the following:

4 [(a) A suspension under ORS 809.411 (2) resulting from commission by the  
5 driver of any degree of recklessly endangering another person, menacing or  
6 criminal mischief, resulting from the operation of a motor vehicle.]

7 [(b) A suspension under ORS 813.410 resulting from refusal to take a test  
8 prescribed in ORS 813.100 or for taking a breath or blood test the result of  
9 which discloses a blood alcohol content of:]

10 [(A) 0.08 percent or more by weight if the person was not driving a com-  
11 mercial motor vehicle;]

12 [(B) 0.04 percent or more by weight if the person was driving a commercial  
13 motor vehicle; or]

14 [(C) Any amount if the person was under 21 years of age.]

15 [(c) A suspension of commercial driving privileges under ORS 809.510 re-  
16 sulting from failure to perform the duties of a driver under ORS 811.700.]

17 [(d) A suspension of commercial driving privileges under ORS 809.510 (7)  
18 where the person's commercial driving privileges have been suspended or re-  
19 voked by the other jurisdiction for failure of or refusal to take a chemical test  
20 to determine the alcoholic content of the person's blood under a statute that is  
21 substantially similar to ORS 813.100.]

22 [(e) A suspension of commercial driving privileges under ORS 809.520.]

23 [(f)] (a) A revocation resulting from habitual offender status under ORS  
24 809.640.

25 [(g) A suspension resulting from any crime punishable as a felony with  
26 proof of a material element involving the operation of a motor vehicle, other  
27 than a crime described in subsection (3) of this section.]

28 [(h) A suspension for failure to perform the duties of a driver under ORS  
29 811.705.]

30 [(i) A suspension for reckless driving under ORS 811.140.]

31 [(j) A suspension for fleeing or attempting to elude a police officer under

1 *ORS 811.540.*]

2 [(k)] (b) A [*suspension or*] revocation resulting from misdemeanor driving  
3 while under the influence of intoxicants under ORS 813.010.

4 [(L) A *suspension for use of a motor vehicle in the commission of a crime*  
5 *punishable as a felony.*]

6 (5) In addition to any other sentence that may be imposed, if a person is  
7 convicted of the offense described in this section and the underlying sus-  
8 pension resulted from driving while under the influence of intoxicants, the  
9 court shall impose a minimum fine of at least \$1,000 if it is the person's first  
10 conviction for criminal driving while suspended or revoked and a minimum  
11 fine of at least \$2,000 if it is the person's second or subsequent conviction.

12 (6)(a) The Oregon Criminal Justice Commission shall classify a violation  
13 of this section that is a felony as crime category 4 of the rules of the com-  
14 mission.

15 (b) Notwithstanding paragraph (a) of this subsection, the commission  
16 shall classify a violation of this section that is a felony as crime category  
17 6 of the rules of the commission, if the suspension or revocation resulted  
18 from:

19 (A) Any degree of murder, manslaughter or criminally negligent homicide  
20 or an assault that causes serious physical injury, resulting from the opera-  
21 tion of a motor vehicle; or

22 (B) Aggravated vehicular homicide or aggravated driving while suspended  
23 or revoked.

24 **SECTION 12.** ORS 811.700, as amended by section 14, chapter 63, Oregon  
25 Laws 2024, is amended to read:

26 811.700. (1) A driver of a vehicle who knows or has reason to believe that  
27 the driver's vehicle was involved in a collision commits the offense of failure  
28 to perform the duties of a driver when property is damaged if the driver's  
29 vehicle is involved in a collision that results in damage to property and the  
30 driver does not perform duties required under any of the following:

31 (a) Immediately stop the driver's vehicle at the scene of the collision or

1 as close to the scene of the collision as possible and reasonably investigate  
2 what the driver's vehicle struck. Every stop required under this paragraph  
3 should be made without obstructing traffic more than is necessary.

4 (b) If the driver's vehicle has been involved in a collision that results only  
5 in damage to a vehicle that is driven or attended by any other person, the  
6 driver shall perform all of the following duties:

7 (A) Remain at the scene of the collision until the driver has fulfilled all  
8 of the requirements under this paragraph.

9 (B) Give to the other driver or passenger:

10 (i) The driver's name and address, the name and address of the owner of  
11 the driver's vehicle and the name and address of any other occupants of the  
12 driver's vehicle; and

13 (ii) If the driver's vehicle is a motor vehicle, the registration number of  
14 the motor vehicle, the name of the insurance carrier covering the motor ve-  
15 hicle, the insurance policy number of the insurance policy insuring the motor  
16 vehicle and the phone number of the insurance carrier.

17 (C) Upon request and if available, exhibit and give to the occupant of or  
18 person attending any vehicle damaged the number of any document issued  
19 as evidence of driving privileges granted to the driver.

20 (c) If the driver's vehicle has been involved in a collision resulting in  
21 damage to any vehicle that is unattended, the driver shall perform all the  
22 following duties:

23 (A) Locate the operator or owner of the unattended vehicle and notify the  
24 operator or owner of:

25 (i) The driver's name and address and the name and address of the owner  
26 of the vehicle that struck the unattended vehicle; and

27 (ii) If the driver's vehicle is a motor vehicle, the registration number of  
28 the motor vehicle, the name of the insurance carrier covering the motor ve-  
29 hicle, the insurance policy number of the insurance policy insuring the motor  
30 vehicle and the phone number of the insurance carrier; or

31 (B) Leave in a conspicuous place in the unattended vehicle a written no-

1 tice giving:

2 (i) The driver's name and address and the name and address of the owner  
3 of the vehicle that struck the unattended vehicle and a statement of the  
4 circumstances of the collision; and

5 (ii) If the driver's vehicle is a motor vehicle, the registration number of  
6 the motor vehicle, the name of the insurance carrier covering the motor ve-  
7 hicle, the insurance policy number of the insurance policy insuring the motor  
8 vehicle and the phone number of the insurance carrier.

9 (d) If the driver's vehicle has been involved in a collision resulting only  
10 in damage to fixtures or property legally upon or adjacent to a highway, the  
11 driver shall perform all of the following duties:

12 (A) Take reasonable steps to notify the owner or person in charge of the  
13 property of the collision and of the driver's name and address, the vehicle  
14 owner's name and address and, if the driver's vehicle is a motor vehicle, the  
15 registration number of the motor vehicle, the name of the insurance carrier  
16 covering the motor vehicle, the insurance policy number of the insurance  
17 policy insuring the motor vehicle and the phone number of the insurance  
18 carrier.

19 (B) Upon request and if available, exhibit any document issued as evi-  
20 dence of driving privileges granted to the driver.

21 (e) If the driver discovers only after leaving the scene of the collision that  
22 the driver has reason to believe that the driver's vehicle was involved in a  
23 collision that resulted in damage to another vehicle, fixture or property, the  
24 driver shall as soon as reasonably possible make a good faith effort to com-  
25 ply with the requirements of this subsection.

26 (2) As used in this section, "reason to believe" means that the driver is  
27 aware of a circumstance that would cause a reasonable person to be aware  
28 of a substantial and unjustifiable risk that the driver's vehicle has been in  
29 a collision. The risk must be of such nature or degree that failure to be  
30 aware of it constitutes a gross deviation from the standard of care that a  
31 reasonable person would observe in the situation.

1 (3)(a) The offense described in this section, failure to perform the duties  
2 of a driver when property is damaged, is a Class A misdemeanor and is ap-  
3 plicable, notwithstanding ORS 801.020 (9), to a collision that results in  
4 damage to property caused by the motion of a vehicle or its load that occurs  
5 on any highway or premises open to the public, or any premises adjacent to  
6 a highway or premises open to the public.

7 **(b) Notwithstanding paragraph (a) of this subsection, failure to**  
8 **perform the duties of a driver when property is damaged is a Class A**  
9 **violation when the property damaged is owned by the State of Oregon.**

10

11

### CONFORMING AMENDMENTS

12

13 **SECTION 13.** ORS 132.320 is amended to read:

14 132.320. (1) Except as provided in subsections (2) to (13) of this section,  
15 in the investigation of a charge for the purpose of indictment, the grand jury  
16 shall receive no other evidence than such as might be given on the trial of  
17 the person charged with the crime in question.

18 (2) A report or a copy of a report made by a physicist, chemist, medical  
19 examiner, physician, firearms identification expert, examiner of questioned  
20 documents, fingerprint technician, or an expert or technician in some com-  
21 parable scientific or professional field, concerning the results of an exam-  
22 ination, comparison or test performed by such person in connection with a  
23 case which is the subject of a grand jury proceeding, shall, when certified  
24 by such person as a report made by such person or as a true copy thereof,  
25 be received in evidence in the grand jury proceeding.

26 (3) An affidavit of a witness who is unable to appear before the grand jury  
27 shall be received in evidence in the grand jury proceeding if, upon applica-  
28 tion by the district attorney, the presiding judge for the judicial district in  
29 which the grand jury is sitting authorizes the receipt after good cause has  
30 been shown for the witness' inability to appear. An affidavit taken in an-  
31 other state or territory of the United States, the District of Columbia or in

1 a foreign country must be authenticated as provided in ORS chapter 194 be-  
2 fore it can be used in this state.

3 (4) A grand jury that is investigating a charge of criminal driving while  
4 suspended or revoked under ORS 811.182 may receive in evidence an affidavit  
5 of a peace officer with a report or copy of a report of the peace officer con-  
6 cerning the peace officer's investigation of the violation of ORS 811.182 by  
7 the defendant.

8 (5) A grand jury may receive testimony of a witness by means of simul-  
9 taneous television transmission allowing the grand jury and district attorney  
10 to observe and communicate with the witness and the witness to observe and  
11 communicate with the grand jury and the district attorney.

12 (6) A grand jury that is investigating a charge of failure to appear under  
13 ORS 133.076[ *153.992, 162.195*] or 162.205 may receive in evidence an affidavit  
14 of a court employee certifying that the defendant failed to appear as required  
15 by law and setting forth facts sufficient to support that conclusion.

16 (7)(a) Except as otherwise provided in this subsection, a grand jury may  
17 receive in evidence through the testimony of one peace officer involved in  
18 the criminal investigation under grand jury inquiry information from an of-  
19 ficial report of another peace officer involved in the same criminal investi-  
20 gation concerning the other peace officer's investigation of the matter before  
21 the grand jury. The statement of a person suspected of committing an offense  
22 or inadmissible hearsay of persons other than the peace officer who compiled  
23 the official report may not be presented to a grand jury under this para-  
24 graph.

25 (b) If the official report contains evidence other than chain of custody,  
26 venue or the name of the person suspected of committing an offense, the  
27 grand jurors must be notified that the evidence is being submitted by report  
28 and that the peace officer who compiled the report will be made available  
29 for testimony at the request of the grand jury. When a grand jury requests  
30 the testimony of a peace officer under this paragraph, the peace officer may  
31 present sworn testimony by telephone if requiring the peace officer's pres-



1 ence before the grand jury would constitute an undue hardship on the peace  
2 officer or the agency that employs or utilizes the peace officer.

3 (8) A grand jury that is investigating a charge of failure to report as a  
4 sex offender under ORS 163A.040 may receive in evidence certified copies of  
5 the form required by ORS 163A.050 (2) and sex offender registration forms  
6 and an affidavit of a representative of the Oregon State Police, as keepers  
7 of the state's sex offender registration records, certifying that the certified  
8 copies of the forms constitute the complete record for the defendant.

9 (9) The grand jury shall weigh all the evidence submitted to it; and when  
10 it believes that other evidence within its reach will explain away the charge,  
11 it should order such evidence to be produced, and for that purpose may re-  
12 quire the district attorney to issue process for the witnesses.

13 (10) A grand jury that is investigating a charge of driving while under  
14 the influence of intoxicants in violation of ORS 813.010 may receive in evi-  
15 dence an affidavit of a peace officer regarding any or all of the following:

16 (a) Whether the defendant was driving.

17 (b) Whether the defendant took or refused to take tests under any pro-  
18 vision of ORS chapter 813.

19 (c) The administration of tests under any provision of ORS chapter 813  
20 and the results of such tests.

21 (d) The officer's observations of physical or mental impairment of the  
22 defendant.

23 (11)(a) A grand jury may receive in evidence an affidavit of a represen-  
24 tative of a financial institution for the purpose of authenticating records of  
25 the financial institution.

26 (b) As used in this subsection, "financial institution" means a financial  
27 institution as defined in ORS 706.008, an entity that regularly issues, pro-  
28 cesses or services credit cards or any other comparable entity that regularly  
29 produces financial records.

30 (12)(a) A defendant who has been arraigned on an information alleging a  
31 felony charge that is the subject of a grand jury proceeding and who is re-

1 presented by an attorney has a right to appear before the grand jury as a  
2 witness if, prior to the filing of an indictment, the defense attorney serves  
3 upon the district attorney written notice requesting the appearance. The  
4 notice shall include an electronic mail address at which the defense attorney  
5 may be contacted.

6 (b) A district attorney is not obligated to inform a defendant that a grand  
7 jury proceeding investigating charges against the defendant is pending, in  
8 progress or about to occur.

9 (c) Upon receipt of the written notice described in paragraph (a) of this  
10 subsection, the district attorney shall provide in writing the date, time and  
11 location of the defendant's appearance before the grand jury to the defense  
12 attorney at the indicated electronic mail address. In the event of a schedul-  
13 ing conflict, the district attorney shall reasonably accommodate the sched-  
14 ules of the defendant and the defense attorney if the accommodation does  
15 not delay the grand jury proceeding beyond the time limit for holding a  
16 preliminary hearing described in ORS 135.070 (2).

17 (d) Notwithstanding ORS 135.070 and paragraph (c) of this subsection, in  
18 order to accommodate a scheduling conflict, upon the request of the defend-  
19 ant the time limit for holding a preliminary hearing described in ORS 135.070  
20 (2) may be extended by a maximum of an additional five judicial days and  
21 the district attorney and the defendant may stipulate to an extension of  
22 greater duration. During a period of delay caused by a scheduling conflict  
23 under this subsection, ORS 135.230 to 135.290 shall continue to apply con-  
24 cerning the custody status of the defendant.

25 (13) A grand jury, the proceedings of which are recorded pursuant to ORS  
26 132.250 and 132.260, may receive in evidence, through the testimony of a  
27 peace officer involved in the criminal investigation under grand jury inquiry,  
28 the statement of:

29 (a) A person who cannot readily understand the proceedings, or who  
30 cannot communicate in the proceedings, because of a physical disability or  
31 developmental disability; or

1 (b) A victim under 18 years of age at the time of the proceedings.

2 **SECTION 14.** ORS 161.067 is amended to read:

3 161.067. (1) When the same conduct or criminal episode violates two or  
4 more statutory provisions and each provision requires proof of an element  
5 that the others do not, there are as many separately punishable offenses as  
6 there are separate statutory violations.

7 (2) When the same conduct or criminal episode, though violating only one  
8 statutory provision involves two or more victims, there are as many sepa-  
9 rately punishable offenses as there are victims. However, two or more per-  
10 sons owning joint interests in real or personal property shall be considered  
11 a single victim for purposes of determining the number of separately  
12 punishable offenses if the property is the subject of one of the following  
13 crimes:

14 (a) Theft as defined in ORS 164.015.

15 (b) Unauthorized use of a vehicle as defined in ORS 164.135.

16 (c) Criminal possession of rented or leased personal property as defined  
17 in ORS 164.140.

18 (d) Criminal possession of a rented or leased motor vehicle as defined in  
19 ORS 164.138.

20 (e) Burglary as defined in ORS 164.215 or 164.225.

21 (f) Criminal trespass as defined in ORS 164.243, [164.245,] 164.255, 164.265  
22 or 164.278.

23 (g) Arson and related offenses as defined in ORS 164.315, 164.325 or  
24 164.335.

25 (h) Forgery and related offenses as defined in ORS 165.002 to 165.070.

26 (3) When the same conduct or criminal episode violates only one statutory  
27 provision and involves only one victim, but nevertheless involves repeated  
28 violations of the same statutory provision against the same victim, there are  
29 as many separately punishable offenses as there are violations, except that  
30 each violation, to be separately punishable under this subsection, must be  
31 separated from other such violations by a sufficient pause in the defendant's

1 criminal conduct to afford the defendant an opportunity to renounce the  
2 criminal intent. Each method of engaging in oral or anal sexual intercourse  
3 as defined in ORS 163.305, and each method of engaging in unlawful sexual  
4 penetration as defined in ORS 163.408 and 163.411 shall constitute separate  
5 violations of their respective statutory provisions for purposes of determin-  
6 ing the number of statutory violations.

7 **SECTION 15.** ORS 807.072 is amended to read:

8 807.072. (1) The Department of Transportation, by rule, may waive any  
9 examination, test or demonstration required under ORS 807.070 (2) or (3) if  
10 the department receives satisfactory proof that the person required to take  
11 the examination, test or demonstration has passed an examination, test or  
12 demonstration approved by the department that:

13 (a) Is given in conjunction with a traffic safety education course certified  
14 by the department under ORS 336.802;

15 (b) Is given in conjunction with a motorcycle rider education course es-  
16 tablished under ORS 802.320;

17 (c) Is given in conjunction with a course conducted by a commercial  
18 driver training school certified by the department under ORS 822.515; or

19 (d) Is given in conjunction with an application for a special limited vision  
20 condition learner's permit under ORS 807.359.

21 (2) The department, by rule, may waive the actual demonstration required  
22 under ORS 807.070 (3) for a person who is applying for a commercial driver  
23 license or a Class C license if the person holds a valid out-of-state license  
24 or applies for an Oregon license within one year of the expiration of a valid  
25 out-of-state license. A demonstration may be waived under this subsection  
26 only if the person has applied for the same driving privileges as those  
27 granted under the person's out-of-state license or for privileges granted by  
28 a lower class of license.

29 (3) The department may waive the actual demonstration required under  
30 ORS 807.070 for a person who is applying for a commercial driver license,  
31 an endorsement related to a commercial driver license or the removal of a

1 restriction from a commercial driver license:

2 (a) If the person has been certified, as defined by rule, under ORS 807.080  
3 or a similar statute of another jurisdiction as competent to safely exercise  
4 the driving privileges granted by a Class A commercial driver license, a  
5 Class B commercial driver license or a Class C commercial driver license;  
6 or

7 (b) Under circumstances, established by the department by rule, that es-  
8 tablish the person's ability to drive without an actual demonstration.

9 (4) The department may issue a Class A farm endorsement without re-  
10 quiring additional tests to a person who has a Class C driver license if a  
11 farm employer or a self-employed farmer certifies to the department that the  
12 person is experienced in driving a vehicle that may be driven only by persons  
13 who have a Class A commercial driver license and the person's two-part  
14 driving record does not show either a traffic accident within two years of  
15 the date of application for the endorsement or a conviction for one of the  
16 following traffic crimes within five years of the date of application for the  
17 endorsement:

18 (a) Reckless driving, as defined in ORS 811.140.

19 (b) Driving while under the influence of intoxicants, as defined in ORS  
20 813.010.

21 (c) Failure to perform the duties of a driver involved in a collision, as  
22 described in ORS 811.700 **(3)(a)** or 811.705.

23 (d) Criminal driving while suspended or revoked, as defined in ORS  
24 811.182.

25 (e) Fleeing or attempting to elude a police officer, as defined in ORS  
26 811.540.

27 (5) The department may issue a Class B farm endorsement without re-  
28 quiring additional tests to a person who has a Class C driver license if a  
29 farm employer or a self-employed farmer certifies to the department that the  
30 person is experienced in driving a vehicle that may be driven only by persons  
31 who have a Class B commercial driver license and the person's two-part

1 driving record does not show either a conviction for a traffic crime specified  
2 in subsection (4) of this section within five years of the date of application  
3 for the endorsement or a traffic accident within two years of the date of  
4 application for the endorsement.

5 (6) The department by rule may establish other circumstances under  
6 which a farm endorsement may be issued without an actual demonstration.  
7 The authority granted by this subsection includes, but is not limited to, au-  
8 thority to adopt rules specifying circumstances under which the endorsement  
9 may be granted to a person despite the appearance of traffic accidents on the  
10 person's record.

11 (7) The department by rule may waive the test required under ORS 807.070  
12 (2) for a person who applies for a motorcycle endorsement if the person:

13 (a) Holds a valid out-of-state driver license that authorizes the person to  
14 operate a motorcycle;

15 (b) Applies for a motorcycle endorsement within one year after the expi-  
16 ration date of a valid out-of-state driver license that authorizes the person  
17 to operate a motorcycle; or

18 (c) Completes a motorcycle rider education course outside of this state  
19 that is approved by the department by rule:

20 (A) While temporarily residing outside of this state; and

21 (B) The person is domiciled in this state as described in ORS 803.355 or  
22 is a resident as described in ORS 807.062.

23 (8) The department by rule may waive the actual demonstration required  
24 under ORS 807.070 (3) for a person who is applying for a restricted motor-  
25 cycle endorsement that only authorizes the person to operate a motorcycle  
26 with more than two wheels.

27 **SECTION 16.** ORS 811.230 is amended to read:

28 811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

29 (a) "Flagger" means a person who controls the movement of vehicular  
30 traffic through construction projects using sign, hand or flag signals.

31 (b) "Highway work zone" means an area identified by advance warning

1 where road construction, repair or maintenance work is being done by  
2 highway workers on or adjacent to a highway, regardless of whether or not  
3 highway workers are actually present. As used in this paragraph, “road  
4 construction, repair or maintenance work” includes, but is not limited to, the  
5 setting up and dismantling of advance warning systems.

6 (c) “Highway worker” means an employee of a government agency, private  
7 contractor or utility company working in a highway work zone.

8 (2)(a) The presumptive fine for a person convicted of an offense that is  
9 listed in subsection (3)(a) or (b) of this section and that is committed in a  
10 highway work zone is the presumptive fine for the offense established under  
11 ORS 153.020.

12 (b) The minimum fine for a person convicted of a misdemeanor offense  
13 that is listed in subsection (3)(c) to (g) of this section and that is committed  
14 in a highway work zone is 20 percent of the maximum fine established for  
15 the offense.

16 (c) The minimum fine for a person convicted of a felony offense that is  
17 listed in subsection (3)(c) to (g) of this section and that is committed in a  
18 highway work zone is two percent of the maximum fine established for the  
19 offense.

20 (3) This section applies to the following offenses if committed in a high-  
21 way work zone:

22 (a) Class A or Class B traffic violations.

23 (b) Class C or Class D traffic violations related to exceeding a legal  
24 speed.

25 (c) Reckless driving, as defined in ORS 811.140.

26 (d) Driving while under the influence of intoxicants, as defined in ORS  
27 813.010.

28 (e) Failure to perform the duties of a driver involved in a collision, as  
29 described in ORS 811.700 **(3)(a)** or 811.705.

30 (f) Criminal driving while suspended or revoked, as defined in ORS  
31 811.182.

1 (g) Fleeing or attempting to elude a police officer, as defined in ORS  
2 811.540.

3 (4) When a highway work zone is created, the agency, contractor or  
4 company responsible for the work may post signs designed to give motorists  
5 notice of the provisions of this section.

6 **SECTION 17.** ORS 811.706 is amended to read:

7 811.706. When a person is convicted of violating ORS 811.700 **(3)(a)** or  
8 811.705, the court, in addition to any other sentence it may impose, may or-  
9 der the person to pay an amount of money equal to the amount of any dam-  
10 ages caused by the person as a result of the incident that created the duties  
11 in ORS 811.700 or 811.705.

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13

#### **APPLICABILITY**

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15 **SECTION 18.** The amendments to ORS 132.320, 133.076, 153.992,  
16 161.067, 162.195, 163A.040, 164.043, 164.245, 164.345, 166.065, 166.070, 807.072,  
17 807.570, 811.182, 811.230, 811.700 and 811.706 by sections 1 to 17 of this  
18 2025 Act apply to conduct constituting or alleged to constitute an of-  
19 fense occurring on or after the effective date of this 2025 Act.

20

21

#### **CAPTIONS**

22

23 **SECTION 19.** The unit captions used in this 2025 Act are provided  
24 only for the convenience of the reader and do not become part of the  
25 statutory law of this state or express any legislative intent in the  
26 enactment of this 2025 Act.

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