

# House Bill 3552

Sponsored by Representative NGUYEN H, Senator DEMBROW; Representative RUIZ, Senator SOLLMAN

## 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**.

Directs county clerk to keep residence address of elector exempt from disclosure as public record if elector is education board member.

Establishes that crime of harassment or aggravated harassment includes harassment against education board member. 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 education board members; amending ORS 166.065, 166.070 and 247.965; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 247.965, as amended by section 1, chapter 114, Oregon Laws 2022, is amended  
6 to read:

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

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

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

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

16 **or**

17 **(c) The elector is an education board member.**

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

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

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

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

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

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

30 (7) As used in this section[.];

**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 (a) “Education board member” means an individual who is a member of:

2 (A) A district school board, as defined in ORS 332.002;

3 (B) The board of directors of an education service district, as defined in ORS 334.003; or

4 (C) The board of education of a community college district, as defined in ORS 341.005.

5 (b) “Election worker” means an individual employed full-time, part-time or as a volunteer:

6 [(a)] (A) Who is serving the State of Oregon or any other public body, as defined in ORS 174.109,  
7 as an elected official, appointed official, employee or agent; and

8 [(b)] (B) Whose official duties include carrying out any duty, function or power set forth in ORS  
9 chapters 246 to 260.

10 **SECTION 2.** ORS 166.065, as amended by section 2, chapter 114, Oregon Laws 2022, is amended  
11 to read:

12 166.065. (1) A person commits the crime of harassment if the person intentionally:

13 (a) Harasses or annoys another person by:

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

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

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

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

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

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

30 (3) Harassment is a Class B misdemeanor.

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

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

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

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

38 (ii) The offense is committed in the immediate presence of, or is witnessed by, the person’s or  
39 the victim’s minor child or stepchild or a minor child residing within the household of the person  
40 or victim; or

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

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

44 (B) At the time the offense was committed, the victim was protected by a stalking protective  
45 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person

1 from contacting the victim;

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

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

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

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

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

9 (A) An election worker who is performing the election worker’s official duties at the time the  
 10 harassment occurs; or

11 (B) An election worker because of an action taken or decision made by the election worker  
 12 during the performance of the election worker’s official duties.

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

16 **(a) An education board member who is performing the education board member’s official**  
 17 **duties at the time the harassment occurs; or**

18 **(b) An education board member because of an action taken or decision made by the ed-**  
 19 **ucation board member during the performance of the education board member’s official du-**  
 20 **ties.**

21 [(5)] **(6)** The Oregon Criminal Justice Commission shall classify harassment as described in  
 22 subsection (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the com-  
 23 mission.

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

25 **(A) “Education board member” means an individual who is a member of:**

26 **(i) A district school board, as defined in ORS 332.002;**

27 **(ii) The board of directors of an education service district, as defined in ORS 334.003; or**

28 **(iii) The board of education of a community college district, as defined in ORS 341.005.**

29 [(A)] **(B)** “Election worker” has the meaning given that term in ORS 247.965.

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

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

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

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

37 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that  
 38 the other person is [a]:

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

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

45 (c) **A** public safety officer, intentionally propels saliva at the public safety officer, and the saliva

1 comes into physical contact with the public safety officer, while the public safety officer is acting  
2 in the course of official duty or as a result of the public safety officer's official duties; or

3 **(d) An education board member, knowingly propels saliva, blood, urine, semen, feces or**  
4 **other dangerous substance at the education board member while the education board mem-**  
5 **ber is acting in the course of official duty or as a result of the education board member's**  
6 **official duties.**

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

10 (3) As used in this section:

11 **(a) "Education board member" means an individual who is a member of:**

12 **(A) A district school board, as defined in ORS 332.002;**

13 **(B) The board of directors of an education service district, as defined in ORS 334.003; or**

14 **(C) The board of education of a community college district, as defined in ORS 341.005.**

15 [(a)] **(b) "Public safety officer" means an emergency medical services provider as defined in ORS**  
16 **682.025, a regulatory specialist as defined in ORS 471.001 or a fire service professional, a parole and**  
17 **probation officer or a police officer as those terms are defined in ORS 181A.355.**

18 [(b)] **(c) "Staff member" has the meaning given that term in ORS 163.165.**

19 **SECTION 4. This 2023 Act being necessary for the immediate preservation of the public**  
20 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
21 **on its passage.**

22