

HB 4135 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/13

WHAT THE MEASURE DOES:

The measure creates the crime of “threatening a mass harm event,” a Class A person misdemeanor on first conviction and a Class C person felony on subsequent convictions. The measure establishes certain sentencing requirements, prohibits possession of a firearm by people convicted of threatening a mass injury event, and requires the Criminal Justice Commission to submit a report biennially on the crime’s prosecution.

Detailed Summary:

Creates the crime of threatening a mass injury event. Provides that a person commits threatening a mass injury event if the person:

- Intentionally causes fear, alarm or terror in another person by conveying a threat to cause unlawful serious physical injury or death to four or more persons at a school, place of worship, health care facility, place of business, government building, mass transit facility, park, plaza, event space or other place of assembly;
- Expresses the intent to imminently carry out the threat; and
- A reasonable person would be placed in fear, alarm or terror by the threat and believe that the threat was credible and presents a reasonable likelihood of imminently being carried out.

Classifies the crime as a Class A person misdemeanor on first conviction and a Class C person felony on subsequent convictions. Requires sentencing judges to consider the convicted person’s age a mitigating circumstance if they were a minor at the time the crime was committed but are outside of the jurisdiction of the juvenile courts at the time of prosecution. Prohibits those convicted of the crime from possessing firearms, subject to the petition for relief from a firearm prohibition under [ORS 166.274](#). States that the Department of Corrections is responsible for any post-conviction supervision per [ORS 423.478](#).

Directs the Criminal Justice Commission to make a report to the Legislative Assembly, submitted biennially starting in 2027, that includes:

- Persons charged with the new crime;
- Victims of the new crime; and
- Money distributed and expended for detaining and supervising juvenile offenders related to the new crime.

Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A [2023 United States National Threat Assessment Center \(NTAC\) report on mass attacks in public spaces between 2016 and 2020](#) found that 64% of attackers who "shared concerning communications" either "directly or indirectly threatened to harm others" before the attack, and "communicated that their attack was imminent" in 11% of cases. And a [2019 NTAC report on targeted school attacks](#) found that, in the incidents surveyed,

HB 4135 STAFF MEASURE SUMMARY

- 66% of the attackers communicated their intent to attack or threatened the target within two weeks of the attack, 54% did so within two days, and 37% did so within an hour of the attack;
- 66% of the attackers threatened targets or shared an intent to attack that gave “some level of *imminence* to the attack;” and
- Of the attackers who selected specific targets, 90% made a threat prior to their attack.

A [2022 Oregon Secretary of State and Audits Division report on domestic violent extremism](#) noted that Oregon ranks 6th in the United States for number of domestic extremism violent incidents between 2006-2020 (493 total incidents), and Oregon accounted for 10% of all incidents in the nation in 2020. And in 2023, Oregon Public Broadcasting reported on [four separate threats to Oregon schools](#) in the Salem-Keizer, Tigard-Tualatin, and Estacada areas.

Oregon has several crimes similar in nature to the proposed crime of threatening a mass injury event, including:

- Menacing, a Class A misdemeanor ([ORS 163.190](#));
- Disorderly conduct, a Class B or A misdemeanor or a Class C felony ([ORS 166.023 & .025](#));
- Harassment, a Class B or A misdemeanor ([ORS 166.065](#)); and
- Bias, a Class A misdemeanor or Class C felony ([ORS 166.155 & .165](#)).