

B-Engrossed House Bill 4156

Ordered by the House March 7
Including House Amendments dated February 16 and March 7

Sponsored by Representatives MANNIX, MCLAIN, EVANS, LEWIS; Representatives ANDERSEN, BOICE, CONRAD, CRAMER, DIEHL, GOODWIN, HARTMAN, HELFRICH, HELM, HIEB, HUDSON, JAVADI, LEVY B, LEVY E, LIVELY, NATHANSON, NELSON, NERON, NGUYEN D, OSBORNE, OWENS, RESCHKE, RUIZ, SCHARF, WALLAN, WALTERS, WRIGHT, Senators FINDLEY, FREDERICK, GELSER BLOUIN, HANSELL, KNOPP, LIEBER, MEEK, WEBER, WOODS (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to crimes related to stalking. The Act also changes the definitions for stalking laws. The Act takes effect on July 1, 2024. (Flesch Readability Score: 61.3).

Modifies definitions pertaining to stalking orders and stalking offenses. [*Increases penalties for*] **Expands the circumstances in which** the crimes of stalking and violating a court's stalking protective order [*in certain circumstances*] **constitute a felony offense.** [*Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both.*]

Takes effect July 1, 2024.

A BILL FOR AN ACT

1
2 Relating to stalking; creating new provisions; amending ORS 163.730, 163.732 and 163.750; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 163.730 is amended to read:

6 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

7 (1) "Alarm" means to cause apprehension or fear resulting from the perception of danger.

8 (2) "Coerce" means to restrain, compel or dominate by force or threat.

9 (3) "Contact" includes but is not limited to:

10 (a) Coming into the visual or physical presence of the other person;

11 (b) Following the other person;

12 (c) Waiting outside the home, property, place of work or school of the other person or of a
13 member of that person's family or household;

14 (d) Sending or making written or electronic communications in any form to the other person;

15 (e) Speaking with the other person by any means;

16 (f) Communicating with the other person through a third person;

17 (g) Committing a crime against the other person;

18 (h) Communicating with a third person who has some relationship to the other person with the
19 intent of affecting the third person's relationship with the other person;

20 (i) Communicating with business entities with the intent of affecting some right or interest of
21 the other person;

22 (j) Damaging the other person's home, property, place of work or school;

23 (k) Delivering directly or through a third person any object to the home, property, place of work

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 or school of the other person; [or]

2 (L) Service of process or other legal documents unless the other person is served as provided
3 in ORCP 7 or 9[.];

4 **(m) Obtaining, possessing, transferring, creating, uttering or converting to the person's**
5 **own use the personal identification of the other person;**

6 **(n) Disclosing an image of the other person, whose intimate parts are visible or who is**
7 **engaged in sexual conduct, without the consent of the other person;**

8 **(o) The use of an electronic service, application, device or other electronic means to ob-**
9 **tain, monitor or interfere with the location, communication or activities of the other person,**
10 **without the consent of the other person; or**

11 **(p) Causing a third person to harass, humiliate or injure the other person by disclosing**
12 **the other person's name, image or personal information, as that term is defined in ORS**
13 **30.835, without the consent of the other person.**

14 **(4) "Disclose" has the meaning given that term in ORS 163.472.**

15 [(4)] **(5) "Household member" means any person residing in the same residence as the victim.**

16 [(5)] **(6) "Immediate family" means father, mother, child, sibling, spouse, grandparent, stepparent**
17 **and stepchild.**

18 [(6)] **(7) "Law enforcement officer" means:**

19 (a) A person employed in this state as a police officer by:

20 (A) A county sheriff, constable or marshal;

21 (B) A police department established by a university under ORS 352.121 or 353.125; or

22 (C) A municipal or state police agency; or

23 (b) An authorized tribal police officer as defined in ORS 181A.940.

24 **(8) "Personal identification" has the meaning given that term in ORS 165.800.**

25 [(7)] **(9) "Repeated" means two or more times.**

26 [(8)] **(10) "School" means a public or private institution of learning or a child care facility.**

27 **SECTION 2.** ORS 163.732 is amended to read:

28 163.732. (1) A person commits the crime of stalking if:

29 (a) The person knowingly alarms or coerces another person or a member of that person's im-
30 mediate family or household by engaging in repeated and unwanted contact with the other person;

31 (b) It is objectively reasonable for a person in the victim's situation to have been alarmed or
32 coerced by the contact; and

33 (c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the
34 personal safety of the victim or a member of the victim's immediate family or household.

35 (2)(a) Stalking is a Class A misdemeanor.

36 (b) Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if:

37 **(A) The person has a prior conviction for:**

38 [(A)] **(i) Stalking, or an equivalent crime in another jurisdiction; or**

39 [(B)] **(ii) Violating a court's stalking protective order[.], or an equivalent crime in another**
40 **jurisdiction;**

41 **(B) The person is the respondent for an active protection order in any jurisdiction that**
42 **restrains the person from stalking, intimidating, molesting or menacing another person, and**
43 **the person protected by the order is not the victim of the current offense; or**

44 **(C) At least one instance of unwanted contact is the commission of the following against**
45 **the victim:**

- 1 (i) A felony;
- 2 (ii) Unlawful dissemination of an intimate image under ORS 163.472; or
- 3 (iii) Unlawful use of a global positioning system device under ORS 163.715.

4 (c) When stalking is a Class C felony pursuant to paragraph (b) of this subsection, stalking shall
5 be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the
6 Oregon Criminal Justice Commission.

7 **SECTION 3.** ORS 163.750 is amended to read:

8 163.750. (1) A person commits the crime of violating a court's stalking protective order [*when*]
9 **if:**

10 (a) The person has been served with a court's stalking protective order as provided in ORS
11 30.866 or 163.738, or [*if further*] service was waived under ORS 163.741 because the person appeared
12 before the court;

13 (b) The person, subsequent to the service of the order **or the waiver of service**, has engaged
14 intentionally, knowingly or recklessly in conduct prohibited by the order; and

15 (c) If the conduct is prohibited contact as defined in ORS 163.730 (3)(d), (e), (f), (h) or (i), the
16 subsequent conduct has created reasonable apprehension regarding the personal safety of a person
17 protected by the order.

18 (2)(a) Violating a court's stalking protective order is a Class A misdemeanor.

19 (b) Notwithstanding paragraph (a) of this subsection, violating a court's stalking protective or-
20 der is a Class C felony if:

21 (A) The person has a prior conviction for:

22 [(A)] (i) Stalking, **or an equivalent crime in another jurisdiction;** or

23 [(B)] (ii) Violating a court's stalking protective order[.], **or an equivalent crime in another**
24 **jurisdiction;**

25 (B) **The person is the respondent for an active protection order in any jurisdiction that**
26 **restrains the person from stalking, intimidating, molesting or menacing another person, and**
27 **the person protected by that order is not the same as the person protected by the order at**
28 **issue in the current offense; or**

29 (C) **At least one instance of unwanted contact is the commission of the following against**
30 **the person protected by the order:**

- 31 (i) A felony;
- 32 (ii) Unlawful dissemination of an intimate image under ORS 163.472; or
- 33 (iii) Unlawful use of a global positioning system device under ORS 163.715.

34 (c) When violating a court's stalking protective order is a Class C felony pursuant to paragraph
35 (b) of this subsection, violating a court's stalking protective order shall be classified as a person
36 felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice
37 Commission.

38 **SECTION 4. The amendments to ORS 163.730, 163.732 and 163.750 by sections 1 to 3 of this**
39 **2024 Act apply to offenses occurring on or after July 1, 2024.**

40 **SECTION 5. This 2024 Act takes effect on July 1, 2024.**