

HB 2851 -1, -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 3/12, 4/2

WHAT THE MEASURE DOES:

The measure replaces the term "fiber optic cable network" with "terrestrial-based cable or wire communication facility" in the definition of "critical infrastructure" for purposes of the crimes of domestic terrorism in the first degree and domestic terrorism in the second degree.

ISSUES DISCUSSED:

- Technical fix to update terminology to more accurately describe facilities providing services
- Domestic terrorism prosecution
- Amendment proposed language derived from other statutory definitions of chemical infrastructure facilities

EFFECT OF AMENDMENT:

-1 The amendment adds a chemical manufacturing or distribution facility to the definition of "critical infrastructure" for purposes of the crimes of domestic terrorism in the first degree and domestic terrorism in the second degree.

-2 Replaces the measure.

Defines chemical manufacturing facility as a facility classified within the 2022 North American Industry Classification System under code 325, chemical manufacturing. Removes the term "fiber optic cable network" from the definition of "critical infrastructure" for purposes of the crimes of domestic terrorism in the first degree and domestic terrorism in the second degree. Amends the definition to include "a chemical manufacturing facility, a terrestrial-based cable or wire communication facility."

BACKGROUND:

In 2023, House Bill 2772 was enacted in Oregon and created the crime of domestic terrorism in the first and second degree. Prior to adoption of the measure, Oregon did not define or criminalize domestic terrorism or violent extremism by statute. According to an [Advisory Report](#) released by the Oregon Secretary of State and Oregon Audits Division in March 2022, Oregon ranked sixth in the nation for the number of domestic violent extremist incidents between 2011 and 2020, with the number rising between 2019 and 2021. The U.S. Department of Justice is the governing entity that most often brings domestic terrorism and violent extremism charges against individuals.

House bill 2851 proposes to amend the definition of critical infrastructure adopted in HB 2772 (2023) by replacing the term "fiber optic cable network" with "terrestrial-based cable or wire communication facility."