

House Bill 2640

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Criminal Defense Lawyers Association)

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

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]

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

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

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

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

(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this

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 section is committed in either the county in which the communication originated or the county in
 2 which the communication was received.

3 (3) Harassment is a Class B misdemeanor.

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

6 (a) Subsection [(1)(a)(A)] (1)(a) of this section by subjecting another person to offensive physical
 7 contact and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that
 44 the other person is a:

45 (a) Staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous sub-

1 stance at the staff member while the staff member is acting in the course of official duty or as a
 2 result of the staff member’s official duties;

3 (b) Public safety officer, knowingly propels blood, urine, semen or feces at the public safety of-
 4 ficer while the public safety officer is acting in the course of official duty or as a result of the public
 5 safety officer’s official duties; or

6 (c) Public safety officer, intentionally propels saliva at the public safety officer, and the saliva
 7 comes into physical contact with the public safety officer **and creates a risk of spreading**
 8 **communicable disease to the officer**, while the [*public safety*] officer is acting in the course of
 9 official duty or as a result of the [*public safety*] officer’s official duties.

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

13 (3) As used in this section:

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

17 (b) “Staff member” has the meaning given that term in ORS 163.165.

18
 19 **DECRIMINALIZATION OF CERTAIN CRIMES**

20
 21 **SECTION 3.** ORS 133.076 is amended to read:

22 133.076. (1) A person commits the offense of failure to appear on a criminal citation if the person
 23 has been served with a criminal citation issued under ORS 133.055 to 133.076 and the person
 24 knowingly fails to do any of the following:

- 25 (a) Make an appearance in the manner required by ORS 133.060.
- 26 (b) Make appearance at the time set for trial in the criminal proceeding.
- 27 (c) Appear at any other time required by the court or by law.

28 (2) Failure to appear on a criminal citation:

- 29 (a) Is a Class A misdemeanor **if the citation is for a felony offense.**
- 30 (b) **Is a Class A violation if the citation is for a misdemeanor offense.**

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

33 153.992. (1) A person commits the offense of failure to appear in a violation proceeding if the
 34 person has been served with a citation issued under this chapter for a violation and the person
 35 knowingly fails to do any of the following:

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

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

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

41 162.195. (1) A person commits the [*crime*] **offense** of failure to appear in the second degree if the
 42 person knowingly fails to appear as required after:

- 43 (a) Having by court order been released from custody or a correctional facility under a release
 44 agreement or security release upon the condition that the person will subsequently appear per-
 45 sonally in connection with a charge against the person of having committed a misdemeanor; or

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

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

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

5 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
 6 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
 7 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

11 (c) Fails to report following a change of school enrollment or employment status, including en-
 12 rollment, employment or vocation status at an institution of higher education;

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

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

15 (f) Fails to make an annual report;

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

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

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

21 (j) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
 22 tifying scars, marks or tattoos; or

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

24 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
 25 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
 26 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department
 27 of State Police, a city police department or a county sheriff's office, in the county of the person's
 28 new residence, if the person otherwise complied with all reporting requirements.

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

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

37 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 38 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
 39 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
 40 otherwise complied with all reporting requirements.

41 (e) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 42 tion by a person required to report under ORS 163A.025 (3) that the person reported, in person, to
 43 the Department of State Police, a city police department or a county sheriff's office, in the county
 44 of the person's residence, if the person otherwise complied with all reporting requirements.

45 (f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section

1 by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth
 2 Authority if the person establishes that the authority registered the person under ORS 163A.010
 3 (3)(c).

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

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

10 (b) Failure to report as a sex offender is a Class C felony if the person 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 which the person is re-
 13 quired to report is a felony.

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

19 **(B) In a prosecution under this section, a report completed pursuant to this paragraph**
 20 **may only be used to determine the offense level of the charge, and may not be used as evi-**
 21 **dence that the person violated subsection (1)(b) to (h) of this section.**

22 (4) A person who fails to sign and return an address verification form as required by ORS
 23 163A.035 (4) commits a violation.

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

25 164.043. (1) A person commits the [*crime*] **offense** of theft in the third degree if:

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

27 (b) The total value of the property in a single or an aggregate transaction is less than \$100.

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

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

31 **(3) As used in this section, “basic need item” means food, water, clothing, health care**
 32 **or medical supplies, shelter including but not limited to tarps and tents, reproductive care**
 33 **items including but not limited to condoms and menstrual products, child care items in-**
 34 **cluding but not limited to diapers and formula or sanitation items including but not limited**
 35 **to soap, disinfectant and toilet tissues.**

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

37 164.245. (1) A person commits the [*crime*] **offense** of criminal trespass in the second degree if
 38 the person enters or remains unlawfully in a motor vehicle or in or upon premises.

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

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

41 164.345. (1) A person commits the [*crime*] **offense** of criminal mischief in the third degree if, with
 42 intent to cause substantial inconvenience to the owner or to another person, and having no right
 43 to do so nor reasonable ground to believe that the person has such right, the person tampers or
 44 interferes with property of another.

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

SECTION 10. ORS 807.570 is amended to read:

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

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

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

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

(B) When the vehicle that the person was driving is involved in an accident.

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

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

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

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

SECTION 11. ORS 811.182 is amended to read:

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

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

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

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

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

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

[(A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;]

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

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

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

[(d) A suspension of commercial driving privileges under ORS 809.510 (7) where the person's commercial driving privileges have been suspended or revoked by the other jurisdiction for failure of

1 *or refusal to take a chemical test to determine the alcoholic content of the person's blood under a statute*
 2 *that is substantially similar to ORS 813.100.]*

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

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

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

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

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

10 *[(j) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.]*

11 *[(k)] (b) A [suspension or] revocation resulting from misdemeanor driving while under the influ-*
 12 *ence of intoxicants under ORS 813.010.*

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

15 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense
 16 described in this section and the underlying suspension resulted from driving while under the influ-
 17 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first
 18 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if
 19 it is the person's second or subsequent conviction.

20 (6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is
 21 a felony as crime category 4 of the rules of the commission.

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

25 (A) Any degree of murder, manslaughter or criminally negligent homicide or an assault that
 26 causes serious physical injury, resulting from the operation of a motor vehicle; or

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

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

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

34 (a) Immediately stop the driver's vehicle at the scene of the collision or as close to the scene
 35 of the collision as possible and reasonably investigate what the driver's vehicle struck. Every stop
 36 required under this paragraph should be made without obstructing traffic more than is necessary.

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

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

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

43 (i) The driver's name and address, the name and address of the owner of the driver's vehicle and
 44 the name and address of any other occupants of the driver's vehicle; and

45 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the

1 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
 2 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

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

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

8 (A) Locate the operator or owner of the unattended vehicle and notify the operator or owner
 9 of:

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

12 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
 13 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
 14 surance policy insuring the motor vehicle and the phone number of the insurance carrier; or

15 (B) Leave in a conspicuous place in the unattended vehicle a written notice giving:

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

18 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
 19 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
 20 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

21 (d) If the driver's vehicle has been involved in a collision resulting only in damage to fixtures
 22 or property legally upon or adjacent to a highway, the driver shall perform all of the following du-
 23 ties:

24 (A) Take reasonable steps to notify the owner or person in charge of the property of the colli-
 25 sion and of the driver's name and address, the vehicle owner's name and address and, if the driver's
 26 vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance
 27 carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the
 28 motor vehicle and the phone number of the insurance carrier.

29 (B) Upon request and if available, exhibit any document issued as evidence of driving privileges
 30 granted to the driver.

31 (e) If the driver discovers only after leaving the scene of the collision that the driver has reason
 32 to believe that the driver's vehicle was involved in a collision that resulted in damage to another
 33 vehicle, fixture or property, the driver shall as soon as reasonably possible make a good faith effort
 34 to comply with the requirements of this subsection.

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

40 (3)(a) The offense described in this section, failure to perform the duties of a driver when
 41 property is damaged, is a Class A misdemeanor and is applicable, notwithstanding ORS 801.020 (9),
 42 to a collision that results in damage to property caused by the motion of a vehicle or its load that
 43 occurs on any highway or premises open to the public, or any premises adjacent to a highway or
 44 premises open to the public.

45 **(b) Notwithstanding paragraph (a) of this subsection, failure to perform the duties of a**

1 **driver when property is damaged is a Class A violation when the property damaged is owned**
 2 **by the State of Oregon.**

3
 4 **CONFORMING AMENDMENTS**

5
 6 **SECTION 13.** ORS 132.320 is amended to read:

7 132.320. (1) Except as provided in subsections (2) to (13) of this section, in the investigation of
 8 a charge for the purpose of indictment, the grand jury shall receive no other evidence than such
 9 as might be given on the trial of the person charged with the crime in question.

10 (2) A report or a copy of a report made by a physicist, chemist, medical examiner, physician,
 11 firearms identification expert, examiner of questioned documents, fingerprint technician, or an ex-
 12 pert or technician in some comparable scientific or professional field, concerning the results of an
 13 examination, comparison or test performed by such person in connection with a case which is the
 14 subject of a grand jury proceeding, shall, when certified by such person as a report made by such
 15 person or as a true copy thereof, be received in evidence in the grand jury proceeding.

16 (3) An affidavit of a witness who is unable to appear before the grand jury shall be received in
 17 evidence in the grand jury proceeding if, upon application by the district attorney, the presiding
 18 judge for the judicial district in which the grand jury is sitting authorizes the receipt after good
 19 cause has been shown for the witness' inability to appear. An affidavit taken in another state or
 20 territory of the United States, the District of Columbia or in a foreign country must be
 21 authenticated as provided in ORS chapter 194 before it can be used in this state.

22 (4) A grand jury that is investigating a charge of criminal driving while suspended or revoked
 23 under ORS 811.182 may receive in evidence an affidavit of a peace officer with a report or copy of
 24 a report of the peace officer concerning the peace officer's investigation of the violation of ORS
 25 811.182 by the defendant.

26 (5) A grand jury may receive testimony of a witness by means of simultaneous television trans-
 27 mission allowing the grand jury and district attorney to observe and communicate with the witness
 28 and the witness to observe and communicate with the grand jury and the district attorney.

29 (6) A grand jury that is investigating a charge of failure to appear under ORS 133.076[*153.992,*
 30 *162.195*] or 162.205 may receive in evidence an affidavit of a court employee certifying that the de-
 31 fendant failed to appear as required by law and setting forth facts sufficient to support that con-
 32 clusion.

33 (7)(a) Except as otherwise provided in this subsection, a grand jury may receive in evidence
 34 through the testimony of one peace officer involved in the criminal investigation under grand jury
 35 inquiry information from an official report of another peace officer involved in the same criminal
 36 investigation concerning the other peace officer's investigation of the matter before the grand jury.
 37 The statement of a person suspected of committing an offense or inadmissible hearsay of persons
 38 other than the peace officer who compiled the official report may not be presented to a grand jury
 39 under this paragraph.

40 (b) If the official report contains evidence other than chain of custody, venue or the name of the
 41 person suspected of committing an offense, the grand jurors must be notified that the evidence is
 42 being submitted by report and that the peace officer who compiled the report will be made available
 43 for testimony at the request of the grand jury. When a grand jury requests the testimony of a peace
 44 officer under this paragraph, the peace officer may present sworn testimony by telephone if requir-
 45 ing the peace officer's presence before the grand jury would constitute an undue hardship on the

1 peace officer or the agency that employs or utilizes the peace officer.

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

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

10 (10) A grand jury that is investigating a charge of driving while under the influence of
 11 intoxicants in violation of ORS 813.010 may receive in evidence an affidavit of a peace officer re-
 12 garding any or all of the following:

13 (a) Whether the defendant was driving.

14 (b) Whether the defendant took or refused to take tests under any provision of ORS chapter 813.

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

17 (d) The officer’s observations of physical or mental impairment of the defendant.

18 (11)(a) A grand jury may receive in evidence an affidavit of a representative of a financial in-
 19 stitution for the purpose of authenticating records of the financial institution.

20 (b) As used in this subsection, “financial institution” means a financial institution as defined in
 21 ORS 706.008, an entity that regularly issues, processes or services credit cards or any other com-
 22 parable entity that regularly produces financial records.

23 (12)(a) A defendant who has been arraigned on an information alleging a felony charge that is
 24 the subject of a grand jury proceeding and who is represented by an attorney has a right to appear
 25 before the grand jury as a witness if, prior to the filing of an indictment, the defense attorney serves
 26 upon the district attorney written notice requesting the appearance. The notice shall include an
 27 electronic mail address at which the defense attorney may be contacted.

28 (b) A district attorney is not obligated to inform a defendant that a grand jury proceeding in-
 29 vestigating charges against the defendant is pending, in progress or about to occur.

30 (c) Upon receipt of the written notice described in paragraph (a) of this subsection, the district
 31 attorney shall provide in writing the date, time and location of the defendant’s appearance before
 32 the grand jury to the defense attorney at the indicated electronic mail address. In the event of a
 33 scheduling conflict, the district attorney shall reasonably accommodate the schedules of the de-
 34 fendant and the defense attorney if the accommodation does not delay the grand jury proceeding
 35 beyond the time limit for holding a preliminary hearing described in ORS 135.070 (2).

36 (d) Notwithstanding ORS 135.070 and paragraph (c) of this subsection, in order to accommodate
 37 a scheduling conflict, upon the request of the defendant the time limit for holding a preliminary
 38 hearing described in ORS 135.070 (2) may be extended by a maximum of an additional five judicial
 39 days and the district attorney and the defendant may stipulate to an extension of greater duration.
 40 During a period of delay caused by a scheduling conflict under this subsection, ORS 135.230 to
 41 135.290 shall continue to apply concerning the custody status of the defendant.

42 (13) A grand jury, the proceedings of which are recorded pursuant to ORS 132.250 and 132.260,
 43 may receive in evidence, through the testimony of a peace officer involved in the criminal investi-
 44 gation under grand jury inquiry, the statement of:

45 (a) A person who cannot readily understand the proceedings, or who cannot communicate in the

1 proceedings, because of a physical disability or developmental disability; or

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

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

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

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

12 (a) Theft as defined in ORS 164.015.

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

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

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

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

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

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

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

20 (3) When the same conduct or criminal episode violates only one statutory provision and in-
21 volves only one victim, but nevertheless involves repeated violations of the same statutory provision
22 against the same victim, there are as many separately punishable offenses as there are violations,
23 except that each violation, to be separately punishable under this subsection, must be separated
24 from other such violations by a sufficient pause in the defendant's criminal conduct to afford the
25 defendant an opportunity to renounce the criminal intent. Each method of engaging in oral or anal
26 sexual intercourse as defined in ORS 163.305, and each method of engaging in unlawful sexual pen-
27 etration as defined in ORS 163.408 and 163.411 shall constitute separate violations of their respec-
28 tive statutory provisions for purposes of determining the number of statutory violations.

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

30 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or
31 demonstration required under ORS 807.070 (2) or (3) if the department receives satisfactory proof
32 that the person required to take the examination, test or demonstration has passed an examination,
33 test or demonstration approved by the department that:

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

36 (b) Is given in conjunction with a motorcycle rider education course established under ORS
37 802.320;

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

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

42 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070
43 (3) for a person who is applying for a commercial driver license or a Class C license if the person
44 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration
45 of a valid out-of-state license. A demonstration may be waived under this subsection only if the

1 person has applied for the same driving privileges as those granted under the person's out-of-state
2 license or for privileges granted by a lower class of license.

3 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-
4 son who is applying for a commercial driver license, an endorsement related to a commercial driver
5 license or the removal of a restriction from a commercial driver license:

6 (a) If the person has been certified, as defined by rule, under ORS 807.080 or a similar statute
7 of another jurisdiction as competent to safely exercise the driving privileges granted by a Class A
8 commercial driver license, a Class B commercial driver license or a Class C commercial driver li-
9 cense; or

10 (b) Under circumstances, established by the department by rule, that establish the person's
11 ability to drive without an actual demonstration.

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

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

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

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

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

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

25 (5) The department may issue a Class B farm endorsement without requiring additional tests to
26 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
27 the department that the person is experienced in driving a vehicle that may be driven only by per-
28 sons who have a Class B commercial driver license and the person's two-part driving record does
29 not show either a conviction for a traffic crime specified in subsection (4) of this section within five
30 years of the date of application for the endorsement or a traffic accident within two years of the
31 date of application for the endorsement.

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

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

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

39 (b) Applies for a motorcycle endorsement within one year after the expiration date of a valid
40 out-of-state driver license that authorizes the person to operate a motorcycle; or

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

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

44 (B) The person is domiciled in this state as described in ORS 803.355 or is a resident as de-
45 scribed in ORS 807.062.

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

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

5 811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

6 (a) “Flagger” means a person who controls the movement of vehicular traffic through con-
7 struction projects using sign, hand or flag signals.

8 (b) “Highway work zone” means an area identified by advance warning where road construction,
9 repair or maintenance work is being done by highway workers on or adjacent to a highway, re-
10 gardless of whether or not highway workers are actually present. As used in this paragraph, “road
11 construction, repair or maintenance work” includes, but is not limited to, the setting up and dis-
12 mantling of advance warning systems.

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

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

18 (b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-
19 section (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of
20 the maximum fine established for the offense.

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

24 (3) This section applies to the following offenses if committed in a highway work zone:

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

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

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

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

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

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

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

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

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

36 811.706. When a person is convicted of violating ORS 811.700 **(3)(a)** or 811.705, the court, in
37 addition to any other sentence it may impose, may order the person to pay an amount of money
38 equal to the amount of any damages caused by the person as a result of the incident that created
39 the duties in ORS 811.700 or 811.705.

40
41 **APPLICABILITY**

42
43 **SECTION 18.** The amendments to ORS 132.320, 133.076, 153.992, 161.067, 162.195, 163A.040,
44 164.043, 164.245, 164.345, 166.065, 166.070, 807.072, 807.570, 811.182, 811.230, 811.700 and 811.706
45 by sections 1 to 17 of this 2025 Act apply to conduct constituting or alleged to constitute an

1 **offense occurring on or after the effective date of this 2025 Act.**

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CAPTIONS

4

5 **SECTION 19. The unit captions used in this 2025 Act are provided only for the conven-**
6 **ience of the reader and do not become part of the statutory law of this state or express any**
7 **legislative intent in the enactment of this 2025 Act.**

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