

SB 473	Harassment (166.065)	Menacing (163.190)	Stalking (163.732)
<p>A person commits the crime of threatening a public official if:</p> <p>(a) The person knowingly delivers or conveys, directly or indirectly and by any means, a threatening communication to a public official or a member of the public official's immediate family;</p> <p>(b) A reasonable person would expect the threatening communication to be followed by unlawful acts of violence; and</p> <p>(c) The person delivered or conveyed the threatening communication because of:</p> <p>(A) The performance or nonperformance of some public duty of the public official;</p> <p>(B) The status or position of the public official; or</p> <p>(C) Any other factor related to the public official's office or duties.</p> <p>“Immediate family” means a spouse, persons related by descending lineal consanguinity, stepchildren, lawfully adopted children and foster children.</p> <p>“Public official” means a person who was elected or appointed or who has filed the required documents for nomination or election to an office established, and the qualifications and duties of which are prescribed, by statute to perform a public duty for the state or any political subdivision of the state. “Public official” includes an assistant or deputy district attorney, an assistant attorney general and a judge serving upon appointment as a senior judge or a judge pro tempore.</p> <p>“Threatening communication” means a communication that instills in the recipient a fear that the person delivering or conveying the communication will cause imminent and serious physical injury to or the death of the recipient or the recipient's immediate family.</p>	<p>(1) A person commits the crime of harassment if the person intentionally:</p> <p>(a) Harasses or annoys another person by:</p> <p>(A) Subjecting such other person to offensive physical contact; or</p> <p>(B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this section is committed in either the county in which the communication originated or the county in which the communication was received.</p>	<p>A person commits the crime of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent serious physical injury.</p>	<p>A person commits the crime of stalking if:</p> <p>(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;</p> <p>(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and</p> <p>(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.</p>
<p>Penalty:</p> <p>Class A misdemeanor</p> <p>Class C felony (if previous conviction)</p>	<p>Penalty:</p> <p>Class B misdemeanor</p> <p>Class A misdemeanor (if certain circumstances)</p>	<p>Penalty:</p> <p>Class A misdemeanor</p>	<p>Penalty:</p> <p>Class A misdemeanor</p> <p>Class C felony (if previous conviction or conviction for violating a stalking protective order))</p>
	<p>CASELAW</p> <p>State v. Moyle, 299 Or. 691 (1985):</p> <p>The elements of the crime of harassment by telephonic or written threat are as follows:</p> <ol style="list-style-type: none"> 1. The accused intends to harass, annoy or alarm another person; 2. The accused conveys a written or telephonic threat either 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 his or her family; 3. The addressee is actually alarmed by the threat; and, 4. The threat is such that it reasonably would be expected to cause alarm. 	<p>CASELAW</p> <p>State v. Hejazi, 323 Or. App. 752 (2023):</p> <p>"imminent" threat is one that is "near at hand," "impending," or "menacingly near." Should not lack specificity or any temporal indication.</p>	<p>CASELAW</p> <p>State v. Rangel, 328 Or. 294 (1999):</p> <p>for expressive contact to qualify as a contact under the stalking statute, the communication must articulate a threat or its equivalent.</p> <p>Threat = communication that instills in the addressee a fear of imminent and serious personal violence from the speaker, is unequivocal, and is objectively likely to be followed by unlawful acts. Hyperbole, rhetorical excesses, and impotent expressions of anger or frustration—even if they are alarming—are insufficient.</p>