

Senate Bill 1516

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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 changes a crime to include subjecting a public official to alarm by conveying a threat. The Act also says that a standing order on pretrial release does not affect how the court makes the release decision. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 63.6).

Expands the crime of aggravated harassment to include threats concerning public officials in specified circumstances. Punishes by a maximum of five years' imprisonment, a fine of up to \$125,000, or both.

Provides that standing pretrial release orders do not affect the authority of a magistrate to consider the primary and secondary release criteria when making a release decision.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to public safety; creating new provisions; amending ORS 135.230, 135.233 and 166.070; and declaring an emergency.

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

THREATS TO PUBLIC OFFICIALS

SECTION 1. ORS 166.070 is amended to read:

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

(a) Staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous substance at the staff member while the staff member is acting in the course of official duty or as a result of the staff member's official duties;

(b) Public safety officer, knowingly propels blood, urine, semen or feces at the public safety officer while the public safety officer is acting in the course of official duty or as a result of the public safety officer's official duties; *[or]*

(c) Public safety officer, intentionally propels saliva at the public safety officer, and the saliva comes into physical contact with the public safety officer, while the public safety officer is acting in the course of official duty or as a result of the public safety officer's official duties~~[.]~~; **or**

(d) **Public official, intentionally subjects the public official to alarm by conveying to the public official, or to any member of the public official's family, a telephonic, electronic or written threat to inflict serious physical injury on the public official or family member, the threat would reasonably be expected to cause alarm, and the person conveyed the threat because of:**

(A) **The performance or nonperformance of a public duty of the public official;**

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.

(B) The status or position of the public official; or

(C) Any other factor related to the public official's office or duties.

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

(3) As used in this section:

(a) **“Public official” means:**

(A) A person who is 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 or the Oregon Constitution to perform a public duty for the state or any political subdivision of the state; and

(B) An assistant or deputy district attorney, a person serving as a prosecutor for a city or county, an assistant attorney general, an administrative law judge and a judge serving on appointment as a senior judge or a judge pro tempore.

[(a)] (b) **“Public safety officer” means** an emergency medical services provider as defined in ORS 40.025, a regulatory specialist as defined in ORS 471.001 or a fire service professional, a parole and probation officer or a police officer as those terms are defined in ORS 181A.355.

[(b)] (c) **“Staff member” has the meaning given that term in ORS 163.165.**

PRETRIAL RELEASE

SECTION 2. ORS 135.233 is amended to read:

135.233. (1) The presiding judge of a judicial district shall enter a standing pretrial release order specifying to the sheriff of the county, or to the entity supervising the local correctional facility responsible for pretrial incarceration within the judicial district, those persons and offenses:

- (a) Subject to release on recognizance;
- (b) Subject to release with special conditions as specified in the order; and
- (c) That are not eligible for release until arraignment.

(2) The Chief Justice of the Supreme Court, with input from a criminal justice advisory committee appointed by the Chief Justice, shall establish release guidelines for the pretrial release orders described in this section to:

- (a) Provide consistent release decision-making structure across the state;
- (b) Reduce reliance on the use of security;
- (c) Include provisions for victim notification and input; and
- (d) Balance the rights of the defendant and presumption of pretrial release against community victim safety and the risk of failure to appear.

(3) Any standing pretrial release order entered under subsection (1) of this section does not affect the authority of a magistrate to make a release decision under ORS 135.245 and to consider, when making the release decision, the primary and secondary release criteria, including community safety and the risk of failure to appear by the defendant.

SECTION 3. ORS 135.230 is amended to read:

135.230. As used in ORS 135.230 to 135.290, unless the context requires otherwise:

(1) "Abuse" means:

- (a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury;
- (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical

1 injury; or

2 (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

3 (2) "Conditional release" means a nonsecurity release which imposes regulations on the activ-

4 ities and associations of the defendant.

5 (3) "Domestic violence" means abuse between family or household members.

6 (4) "Family or household members" means any of the following:

7 (a) Spouses.

8 (b) Former spouses.

9 (c) Adult persons related by blood or marriage.

10 (d) Persons cohabiting with each other.

11 (e) Persons who have cohabited with each other or who have been involved in a sexually inti-

12 mate relationship.

13 (f) Unmarried parents of a minor child.

14 (5) "Magistrate" has the meaning provided for this term in ORS 133.030.

15 (6) "Personal recognizance" means the release of a defendant upon the promise of the defendant

16 to appear in court at all appropriate times.

17 (7) "Primary release criteria" includes the following:

18 (a) The reasonable protection of the victim or public;

19 (b) The nature of the current charge;

20 (c) The defendant's prior criminal record, if any, and, if the defendant previously has been re-

21 leased pending trial, whether the defendant appeared as required;

22 (d) Any facts indicating the possibility of violations of law if the defendant is released without

23 regulations; and

24 (e) Any other facts tending to indicate [that] **whether** the defendant is likely to appear **as re-**

25 **quired.**

26 (8) "Release" means temporary or partial freedom of a defendant from lawful custody before

27 judgment of conviction or after judgment of conviction if defendant has appealed.

28 (9) "Release agreement" means a sworn writing by the defendant stating the terms of the release

29 and, if applicable, the amount of security.

30 (10) "Release decision" means a determination by a magistrate, using primary and secondary

31 release criteria, which establishes the form of the release most likely to ensure the safety of the

32 public and the victim, the defendant's court appearance and that the defendant does not engage in

33 domestic violence while on release.

34 (11) "Secondary release criteria" includes the following:

35 (a) The defendant's employment status and history and financial condition;

36 (b) The nature and extent of the family relationships of the defendant;

37 (c) The past and present residences of the defendant;

38 (d) Names of persons who agree to assist the defendant in attending court at the proper time;

39 and

40 (e) Any facts tending to indicate that the defendant has strong ties to the community.

41 (12) "Security release" means a release conditioned on a promise to appear in court at all ap-

42 propriate times which is secured by cash, stocks, bonds or real property.

43 (13) "Surety" is one who executes a security release and binds oneself to pay the security

44 amount if the defendant fails to comply with the release agreement.

1

CAPTIONS

2

3 **SECTION 4.** The unit captions used in this 2026 Act are provided only for the convenience
4 of the reader and do not become part of the statutory law of this state or express any leg-
5 islative intent in the enactment of this 2026 Act.

6

7

EMERGENCY CLAUSE

8

9 **SECTION 5.** This 2026 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
11 on its passage.

12