

# Senate Bill 1038

Sponsored by Senator WAGNER

## 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**.

Authorizes court to include money award in criminal conviction of bribe giving or bribe receiving committed for purpose of admitting individual at public institution of higher education. Establishes Student Equity Fund and requires money award be placed in fund and used to provide academic scholarships, with preference given for students who are low income or first generation students.

Requires each donor to public institution of higher education or foundation that receives donations on behalf of institution to indicate whether immediate family of donor is enrolled at institution. Requires institution to make publicly available on website, for each class year of enrolled students, percentage of students whose immediate family has donated to institution and total amount of dollars donated to institution by immediate family of students.

Requires Higher Education Coordinating Commission to develop statement summarizing potential criminal and civil consequences of attempting to use bribery to secure admission to public institution of higher education and to place statement on home page of Office of Student Access and Completion website.

## A BILL FOR AN ACT

1  
2 Relating to higher education; creating new provisions; and amending ORS 162.015 and 162.025.

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

4 **SECTION 1.** ORS 162.015 is amended to read:

5 162.015. (1) A person commits the crime of bribe giving if the person offers, confers or agrees  
6 to confer any pecuniary benefit upon a public servant with the intent to influence the public  
7 servant's vote, opinion, judgment, action, decision or exercise of discretion in an official capacity.

8 (2) Bribe giving is a Class B felony.

9 **(3)(a) The court may include in a criminal judgment of conviction under this section a**  
10 **money award requiring that a defendant who committed the crime of bribe giving for the**  
11 **purpose of obtaining admission for an individual at a public institution of higher education**  
12 **pay an amount equal to the amount of the bribe. All moneys collected or paid under a money**  
13 **award made pursuant to this section shall be paid into the Student Equity Fund established**  
14 **under section 4 of this 2019 Act. The award is a Type 1, Level II obligation for the purposes**  
15 **of ORS 137.145 to 137.159.**

16 **(b) As used in this section, "public institution of higher education" has the meaning given**  
17 **that term in ORS 350.260.**

18 **SECTION 2.** ORS 162.025 is amended to read:

19 162.025. (1) A public servant commits the crime of bribe receiving if the public servant:

20 (a) Solicits any pecuniary benefit with the intent that the vote, opinion, judgment, action, deci-  
21 sion or exercise of discretion as a public servant will thereby be influenced; or

22 (b) Accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that  
23 the vote, opinion, judgment, action, decision or exercise of discretion as a public servant will  
24 thereby be influenced.

**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 (2) Bribe receiving is a Class B felony.

2 (3)(a) The court may include in a criminal judgment of conviction under this section a  
 3 money award requiring that a defendant who committed the crime of bribe receiving for the  
 4 purpose of assisting an individual to gain admittance to a public institution of higher educa-  
 5 tion pay an amount equal to the amount of the bribe. All moneys collected or paid under a  
 6 money award made pursuant to this section shall be paid into the Student Equity Fund es-  
 7 tablished under section 4 of this 2019 Act. The award is a Type 1, Level II obligation for the  
 8 purposes of ORS 137.145 to 137.159.

9 (b) As used in this section, “public institution of higher education” has the meaning given  
 10 that term in ORS 350.260.

11 **SECTION 3.** (1) In addition to any other form of student financial aid authorized by law,  
 12 the Higher Education Coordinating Commission may award moneys from the Student Equity  
 13 Fund established under section 4 of this 2019 Act to qualified students who have applied for  
 14 the Oregon Opportunity Grant under ORS 348.250.

15 (2) Awards made under this section are not subject to the maximum Oregon Opportunity  
 16 Grant amount established under ORS 348.205.

17 (3) The commission shall establish by rule eligibility criteria for awards made under this  
 18 section. This criteria must give preference to students who are:

19 (a) Low income, as determined by the amount of the student share established in ORS  
 20 348.205; or

21 (b) First generation students at post-secondary institutions of education.

22 (4) The Director of the Office of Student Access and Completion shall administer, and  
 23 determine the size of, awards made under this section.

24 **SECTION 4.** The Student Equity Fund is established in the State Treasury, separate and  
 25 distinct from the General Fund. Interest earned by the Student Equity Fund must be cred-  
 26 ited to the fund. The fund consists of moneys deposited in the fund under ORS 162.015 or  
 27 162.025 and moneys appropriated, allocated, deposited or transferred to the fund by the Leg-  
 28 islative Assembly or otherwise, and interest earned on moneys in the fund. The moneys in  
 29 the fund are continuously appropriated to the Higher Education Coordinating Commission for  
 30 the purpose of awarding scholarships under section 3 of this 2019 Act.

31 **SECTION 5.** Each public institution of higher education, and foundation affiliated with  
 32 the public institution of higher education, that receives donations to support the public in-  
 33 stitution of higher education shall:

34 (1) Require that each donor to the public institution of higher education or foundation  
 35 provide the institution or foundation with the name of any immediate family of the donor  
 36 that is currently enrolled at the institution; and

37 (2) Make publicly available on the website of the public institution of higher education,  
 38 for each class year of enrolled students:

39 (a) The percentage of students whose immediate family has donated to the institution;  
 40 and

41 (b) The total amount of dollars that were donated to the institution by immediate family  
 42 of the students.

43 (3) As used in this section:

44 (a) “Immediate family” has the meaning given that term in ORS 163.730.

45 (b) “Public institution of higher education” has the meaning given that term in ORS

1 **350.260.**

2 **SECTION 6. (1) The Higher Education Coordinating Commission shall by rule develop a**  
3 **statement summarizing the potential criminal and civil consequences of attempting to use**  
4 **bribery to secure admission to a public institution of higher education. The statement shall**  
5 **be publicly available on the home page of the Office of Student Access and Completion**  
6 **website.**

7 **(2) As used in this section, “public institution of higher education” has the meaning given**  
8 **that term in ORS 350.260.**

9 **SECTION 7. Sections 3 to 6 of this 2019 Act and the amendments to ORS 162.015 and**  
10 **162.025 by sections 1 and 2 of this 2019 Act first apply to the 2021-2022 academic year.**

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