

Senate Bill 720

Sponsored by Senator GELSER, Representative LIVELY

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**.

Expands crime of official misconduct in the first degree to include certain acts by persons responsible for approving licensing or certification application for provision of care to vulnerable persons. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to official misconduct; amending ORS 162.415.

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

4 **SECTION 1.** ORS 162.415 is amended to read:

5 162.415. (1) A public servant commits the crime of official misconduct in the first degree if:

6 (a) With intent to obtain a benefit or to harm another:

7 (A) The public servant knowingly fails to perform a duty imposed upon the public servant by law
8 or one clearly inherent in the nature of office; or

9 (B) The public servant knowingly performs an act constituting an unauthorized exercise in offi-
10 cial duties; or

11 (b) The public servant, while acting as a supervisory employee **or as a certifying employee**,
12 violates ORS 162.405 and is aware of and consciously disregards the fact that the violation creates
13 a risk of:

14 (A) Physical injury to a vulnerable person;

15 (B) The commission of a sex crime as defined in ORS 163A.005 against a vulnerable person; or

16 (C) The withholding from a vulnerable person of necessary and adequate food, physical care or
17 medical attention.

18 (2) Official misconduct in the first degree is a Class A misdemeanor.

19 (3) As used in this section:

20 (a) **“Certifying employee” means a person who, as part of the person’s official duties,**
21 **approves a licensing or certification application for the provision of care to vulnerable per-**
22 **sons.**

23 [(a)] (b) “Supervisory employee” means a person having the authority, in the interest of an em-
24 ployer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline
25 other employees.

26 [(b)] (c) “Vulnerable person” has the meaning given that term in ORS 136.427.
27

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.