

Senate Bill 452

Sponsored by Senator KNOPP (Presession filed.)

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**.

Modifies bias crime in the second degree and bias crime in the first degree. Adds status as peace officer or firefighter to list of characteristics of victim that, as perceived by defendant, constitute motive to commit crime.

A BILL FOR AN ACT

1
2 Relating to victims of bias crime; creating new provisions; and amending ORS 166.155 and 166.165.

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

4 **SECTION 1.** ORS 166.155 is amended to read:

5 166.155. (1) A person commits a bias crime in the second degree if the person:

6 (a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, *[or]* national origin **or status as a peace officer or firefighter**;

7
8
9
10 (b) Intentionally subjects another person to offensive physical contact because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, *[or]* national origin **or status as a peace officer or firefighter**; or

11
12
13 (c) Intentionally, because of the person's perception of race, color, religion, gender identity, sexual orientation, disability, *[or]* national origin **or status as a peace officer or firefighter** of another person or of a member of the other person's family, subjects the other person to alarm by threatening:

14
15
16
17 (A) To inflict serious physical injury upon or to commit a felony affecting the other person, or a member of the other person's family; or

18
19 (B) To cause substantial damage to the property of the other person or of a member of the other person's family.

20
21 (2) A bias crime in the second degree is a Class A misdemeanor.

22 (3) As used in this section and ORS 166.165:

23 (a) **"Firefighter" has the meaning given that term in ORS 162.225.**

24 *[(a)]* (b) "Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.

25
26
27 (c) **"Peace officer" has the meaning given that term in ORS 133.005.**

28 *[(b)]* (d) "Property" means any tangible personal property or real property.

29 **SECTION 2.** ORS 166.165 is amended to read:

30 166.165. (1) A person commits a bias crime in the first degree if the person:

31 (a) Intentionally, knowingly or recklessly causes physical injury to another person because of

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 the person's perception of the other person's race, color, religion, gender identity, sexual orientation,
2 disability, [or] national origin **or status as a peace officer or firefighter**;

3 (b) With criminal negligence causes physical injury to another person by means of a deadly
4 weapon because of the person's perception of the other person's race, color, religion, gender identity,
5 sexual orientation, disability, [or] national origin **or status as a peace officer or firefighter**; or

6 (c) Intentionally, because of the person's perception of another person's race, color, religion,
7 gender identity, sexual orientation, disability, [or] national origin **or status as a peace officer or**
8 **firefighter**, places another person in fear of imminent serious physical injury.

9 (2) A bias crime in the first degree is a Class C felony.

10 **SECTION 3. The amendments to ORS 166.155 and 166.165 by sections 1 and 2 of this 2021**
11 **Act apply to conduct occurring on or after the effective date of this 2021 Act.**

12