

House Bill 2417

Sponsored by Representative OWENS, Senator FINDLEY (at the request of Representative Kevin Mannix) (Pre-session 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**.

Creates crime of disorderly conduct involving a family or household member. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both. Provides that disorderly conduct in the second degree may not be charged if conduct is of specific nature and directed towards family or household member or child of defendant.

A BILL FOR AN ACT

1
2 Relating to disorderly conduct; creating new provisions; and amending ORS 166.025.

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

4 **SECTION 1. (1) A person commits the crime of disorderly conduct involving a family or**
5 **household member if, with intent to cause public inconvenience, annoyance or alarm, or**
6 **recklessly creating a risk thereof:**

7 (a) **The person engages in fighting or in violent, tumultuous or threatening behavior; and**

8 (b) **The fighting or violent, tumultuous or threatening behavior is directed towards a**
9 **family or household member or child of the person.**

10 (2) **Disorderly conduct involving a family or household member is a Class B misdemeanor.**

11 (3) **As used in this section, "family or household member" has the meaning given that**
12 **term in ORS 135.230.**

13 **SECTION 2.** ORS 166.025 is amended to read:

14 166.025. (1) A person commits the crime of disorderly conduct in the second degree if, with in-
15 tent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the
16 person:

17 (a) Engages in fighting or in violent, tumultuous or threatening behavior;

18 (b) Makes unreasonable noise;

19 (c) Disturbs any lawful assembly of persons without lawful authority;

20 (d) Obstructs vehicular or pedestrian traffic on a public way;

21 (e) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending
22 fire, explosion, crime, catastrophe or other emergency; or

23 (f) Creates a hazardous or physically offensive condition by any act which the person is not li-
24 censed or privileged to do.

25 (2)(a) Disorderly conduct in the second degree is a Class B misdemeanor.

26 (b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the second degree is
27 a Class A misdemeanor if the crime is committed within 200 feet of the real property on which the
28 person knows a funeral service is being conducted.

29 (3) **A prosecuting attorney may not charge a person with disorderly conduct in the sec-**
30 **ond degree as described in subsection (1)(a) of this section if the fighting or violent, tumul-**

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 **tuous or threatening behavior was directed towards a family or household member or child**
2 **of the person.**

3 [(3)] (4) As used in this section[,]:

4 (a) **“Family or household member”** has the meaning given that term in ORS 135.230.

5 (b) **“Funeral service”** means a burial or other memorial service for a deceased person.

6 **SECTION 3. Section 1 of this 2023 Act and the amendments to ORS 166.025 by section 2**
7 **of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.**

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