

Enrolled House Bill 2772

Sponsored by Representative EVANS; Representatives CONRAD, GOMBERG, HIEB, LEWIS, MORGAN, WALLAN, Senators MANNING JR, SOLLMAN (Presession filed.)

CHAPTER

AN ACT

Relating to domestic terrorism; creating new provisions; and amending ORS 161.005.

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

SECTION 1. As used in sections 1 to 3 of this 2023 Act:

(1) “Critical infrastructure” means a gas, electric or water utility system, an electric substation, a pipeline or other conveyance for carrying gas, natural gas or fuel, a fiber optic cable network, a base transceiver station or other wireless communication infrastructure, a data center, or a dam, bridge, road, airport, marina or rail line.

(2) “Destructive device” has the meaning given that term in ORS 166.382.

(3) “Toxic substance” means any radiological, biological, pathogenic or chemical substance that may cause death or serious physical injury if ingested, inhaled, consumed or absorbed by a human being.

(4) “Widespread” means impacting at least 50 human beings.

SECTION 2. (1) A person commits the crime of domestic terrorism in the first degree if the person, with the intent to cause widespread sickness, contagion, serious physical injury, death or the disruption of services provided by critical infrastructure:

(a) Intentionally destroys or substantially damages critical infrastructure; or

(b) Intentionally introduces, releases or disperses a toxic substance into widespread contact with human beings.

(2) Domestic terrorism in the first degree is a Class B felony.

(3) The Oregon Criminal Justice Commission shall classify domestic terrorism in the first degree as crime category 9 of the sentencing guidelines grid of the commission.

SECTION 3. (1) A person commits the crime of domestic terrorism in the second degree if the person, with the intent to cause widespread sickness, contagion, serious physical injury, death or the disruption of services provided by critical infrastructure:

(a) Intentionally possesses a toxic substance with the intent to introduce the substance into widespread contact with human beings;

(b) Intentionally possesses a destructive device with the intent to destroy or substantially damage critical infrastructure;

(c) Intentionally attempts to destroy or substantially damage critical infrastructure; or

(d) Intentionally attempts to introduce, release or disperse a toxic substance into widespread contact with human beings.

(2) Domestic terrorism in the second degree is a Class C felony.

(3) The Oregon Criminal Justice Commission shall classify domestic terrorism in the second degree as crime category 7 of the sentencing guidelines grid of the commission.

SECTION 4. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and sections 2 and 3 of this 2023 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

Passed by House June 8, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State