

HB 4156 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/6, 2/15

WHAT THE MEASURE DOES:

The measure expands the definition of “contact” in Oregon’s stalking laws to include new types of conduct. It also expands the types of conduct and circumstances that raise the crimes of stalking and violation of a court’s stalking protective order from a misdemeanor to a felony and it increases the classification of felony-level stalking and felony-level violating a court’s stalking protective order from C to B.

Detailed Summary:

Expands the definition of “contact” in ORS 163.730 to include:

- Obtaining, possessing, transferring, creating, uttering or converting to the person’s own use the personal identification of the other person;
- Disclosing an intimate image of the other person without consent;
- Using electronic means to obtain, monitor or interfere with the location, communication or activities of the other person without consent; and
- Causing or attempting to cause a third person to harass or humiliate the other person by disclosing the person’s name, image or personal information without consent.

Expands felony-level stalking and felony-level violating a court’s stalking protective order to include:

- When the person has a prior conviction for a crime in another jurisdiction that is the same as stalking or violating a stalking protective order in Oregon;
- When the person is the respondent for an active stalking, intimidating, molesting or menacing protection order in any jurisdiction regarding a person who is not the victim of the current offense; and
- When at least one instance of the unwanted contact in the current offense was the commission, against the victim of the current offense, of:
 - a felony;
 - unlawful dissemination of an intimate image; or
 - unlawful use of a global positioning system device.

Increases the current classification of felony-level stalking and felony-level violating a court’s stalking protective order from a Class C to a Class B felony. Adds that conduct qualifying as violating a stalking protective order may take place after the waiver of service of the order in addition to service of the order. States that stalking protective orders are not confidential even if the proceeding is transferred to juvenile court. Takes effect July 1, 2024.

ISSUES DISCUSSED:

- Court-appointed representation of juveniles in stalking-related civil and criminal cases
- Confidentiality of juvenile court records and effect of provision exempting stalking protective orders from such confidentiality
- Scope of the measure in relation to use of shared-automobile electronic applications to interfere with a stalking victim

EFFECT OF AMENDMENT:

-1 The amendment removes the provision that would prevent a stalking protective order from becoming confidential if the proceeding were transferred to juvenile court.

REVENUE: Has minimal revenue impact

FISCAL: Fiscal impact issued

BACKGROUND:

A person commits the crime of stalking, [ORS 163.732](#), if they knowingly coerce another person or member of that person's immediate family or household by engaging in repeated and unwanted "contact" with the other person that is reasonably alarming and causes the victim reasonable apprehension for their safety or the safety of their immediate family or household. A person commits the crime of violating a court's stalking protective order, [ORS 163.750](#), when they engage intentionally, knowingly or recklessly in conduct prohibited by the order. Such prohibitions may include, but are not limited to, "contact" as defined in ORS 163.730.

[ORS 163.730](#) defines the prohibited "contact" for both stalking and stalking protective orders. It lists a variety of types of conduct, both in person and remote, that are included in "contact." These include coming into the visual or physical presence of the other person, following the other person, sending electronic communications to the other person, speaking to the other person, delivering an object to the person directly or through a third person, and damaging the other person's property, for example.

Stalking and violating a court's stalking protective order are both generally Class A misdemeanors. However, either crime is classified as a Class C felony if the offender has a prior conviction for either stalking or violating a court's stalking protective order.