

Enrolled House Bill 4156

Sponsored by Representatives MANNIX, MCLAIN, EVANS, LEWIS; Representatives ANDERSEN, BOICE, CONRAD, CRAMER, DIEHL, GOODWIN, HARTMAN, HELFRICH, HELM, HIEB, HUDSON, JAVADI, KROPF, LEVY B, LEVY E, LIVELY, MCINTIRE, NATHANSON, NELSON, NERON, NGUYEN D, OSBORNE, OWENS, RESCHKE, RUIZ, SCHARF, WALLAN, WALTERS, WRIGHT, Senators FINDLEY, FREDERICK, GELSER BLOUIN, HANSELL, HAYDEN, KNOPP, LIEBER, MEEK, SOLLMAN, WEBER, WOODS (Presession filed.)

CHAPTER

AN ACT

Relating to stalking; creating new provisions; amending ORS 163.730, 163.732 and 163.750; and prescribing an effective date.

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

SECTION 1. ORS 163.730 is amended to read:

163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

- (1) "Alarm" means to cause apprehension or fear resulting from the perception of danger.
- (2) "Coerce" means to restrain, compel or dominate by force or threat.
- (3) "Contact" includes but is not limited to:
 - (a) Coming into the visual or physical presence of the other person;
 - (b) Following the other person;
 - (c) Waiting outside the home, property, place of work or school of the other person or of a member of that person's family or household;
 - (d) Sending or making written or electronic communications in any form to the other person;
 - (e) Speaking with the other person by any means;
 - (f) Communicating with the other person through a third person;
 - (g) Committing a crime against the other person;
 - (h) Communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
 - (i) Communicating with business entities with the intent of affecting some right or interest of the other person;
 - (j) Damaging the other person's home, property, place of work or school;
 - (k) Delivering directly or through a third person any object to the home, property, place of work or school of the other person; *[or]*
 - (L) Service of process or other legal documents unless the other person is served as provided in ORCP 7 or 9[.];
 - (m) **Obtaining, possessing, transferring, creating, uttering or converting to the person's own use the personal identification of the other person;**
 - (n) **Disclosing an image of the other person, whose intimate parts are visible or who is engaged in sexual conduct, without the consent of the other person;**

(o) **The use of an electronic service, application, device or other electronic means to obtain, monitor or interfere with the location, communication or activities of the other person, without the consent of the other person; or**

(p) **Causing a third person to harass, humiliate or injure the other person by disclosing the other person's name, image or personal information, as that term is defined in ORS 30.835, without the consent of the other person.**

(4) **"Disclose" has the meaning given that term in ORS 163.472.**

[4] (5) "Household member" means any person residing in the same residence as the victim.

[5] (6) "Immediate family" means father, mother, child, sibling, spouse, grandparent, stepparent and stepchild.

[6] (7) "Law enforcement officer" means:

(a) A person employed in this state as a police officer by:

(A) A county sheriff, constable or marshal;

(B) A police department established by a university under ORS 352.121 or 353.125; or

(C) A municipal or state police agency; or

(b) An authorized tribal police officer as defined in ORS 181A.940.

(8) **"Personal identification" has the meaning given that term in ORS 165.800.**

[7] (9) "Repeated" means two or more times.

[8] (10) "School" means a public or private institution of learning or a child care facility.

SECTION 2. ORS 163.732 is amended to read:

163.732. (1) A person commits the crime of stalking if:

(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

(2)(a) Stalking is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if:

(A) The person has a prior conviction for:

[A] (i) Stalking, **or an equivalent crime in another jurisdiction;** or

[B] (ii) Violating a court's stalking protective order[.], **or an equivalent crime in another jurisdiction;**

(B) **The person is the respondent for an active protection order in any jurisdiction that restrains the person from stalking, intimidating, molesting or menacing another person, and the person protected by the order is not the victim of the current offense; or**

(C) **At least one instance of unwanted contact is the commission of the following against the victim:**

(i) **A felony;**

(ii) **Unlawful dissemination of an intimate image under ORS 163.472; or**

(iii) **Unlawful use of a global positioning system device under ORS 163.715.**

(c) When stalking is a Class C felony pursuant to paragraph (b) of this subsection, stalking shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.

SECTION 3. ORS 163.750 is amended to read:

163.750. (1) A person commits the crime of violating a court's stalking protective order [*when*] **if:**

(a) The person has been served with a court's stalking protective order as provided in ORS 30.866 or 163.738, or [*if further*] service was waived under ORS 163.741 because the person appeared before the court;

(b) The person, subsequent to the service of the order **or the waiver of service**, has engaged intentionally, knowingly or recklessly in conduct prohibited by the order; and

(c) If the conduct is prohibited contact as defined in ORS 163.730 (3)(d), (e), (f), (h) or (i), the subsequent conduct has created reasonable apprehension regarding the personal safety of a person protected by the order.

(2)(a) Violating a court’s stalking protective order is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, violating a court’s stalking protective order is a Class C felony if:

(A) The person has a prior conviction for:

[(A)] (i) Stalking, **or an equivalent crime in another jurisdiction**; or

[(B)] (ii) Violating a court’s stalking protective order[,], **or an equivalent crime in another jurisdiction**;

(B) The person is the respondent for an active protection order in any jurisdiction that restrains the person from stalking, intimidating, molesting or menacing another person, and the person protected by that order is not the same as the person protected by the order at issue in the current offense; or

(C) At least one instance of unwanted contact is the commission of the following against the person protected by the order:

(i) **A felony;**

(ii) **Unlawful dissemination of an intimate image under ORS 163.472; or**

(iii) **Unlawful use of a global positioning system device under ORS 163.715.**

(c) When violating a court’s stalking protective order is a Class C felony pursuant to paragraph (b) of this subsection, violating a court’s stalking protective order shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.

SECTION 4. The amendments to ORS 163.730, 163.732 and 163.750 by sections 1 to 3 of this 2024 Act apply to offenses occurring on or after July 1, 2024.

SECTION 5. This 2024 Act takes effect on July 1, 2024.

Passed by House March 7, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 7, 2024

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2024

Approved:

.....M.,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2024

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LaVonne Griffin-Valade, Secretary of State