



**TO: Rep. Jason Kropf, Chair  
Rep. Tom Andersen, Vice Chair  
Rep. Kim Wallan, Vice Chair  
Members of House Judiciary Committee**

**FR: Amanda Dalton  
Oregon District Attorneys Association**

**RE: HB 4156 - Support**

**DATE: February 6, 2024**

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Stalking and Violating a Court Protective Stalking Order under ORS 163.732 and 163.750 are crimes designed to protect people from offenders who threaten, harass, and significantly interfere with their lives. For many victims, being stalked is terrifying, leaving them with an ever-present fear for their safety, not knowing when a stalker might show up and what they might do.

Over the interim ODAA participated in a workgroup convened by Representative Mannix to work with criminal justice partners to update the existing Stalking statutes. Those recommendations are encompassed in HB 4156 and address three important aspects of these laws by accounting for the digital age, ensuring proper supervision for repeat offenders, and increasing the penalty for a narrow set of especially dangerous behaviors.

In the digital age, offenders have found new ways to stalk victims that do not fall within the current definition of “contact”, leaving loopholes in the law. Stalking occurs when a person engages in “repeated and unwanted contact” that causes the victim to be in fear for their personal safety. The term “contact” is currently defined to include a variety of behaviors, such as communicating with the victim directly or indirectly, damaging their property, following them, showing up at their work, or coming into their presence, etc.

HB 4156 will add new digitally driven behaviors to the definition of “contact.” This will include using a person’s personal identification, disclosing intimate images without consent, using electronic applications and devices to monitor a victim’s location, and causing a 3<sup>rd</sup> party to humiliate and harass the victim by disclosing their personal information (aka “doxing”). Given the prevalence of offenders who engage in this digital and on-line behavior, these additions are seriously needed.

HB 4156 also ensures that people with multiple Stalking convictions will be supervised for the requisite timeframe under Oregon Sentencing Guidelines. When a person is convicted for a second time, the crime is a class C felony, which carries a five-year maximum sentence. This is also the total timeframe for any combined incarceration and *post-prison* supervision. The law allows for three years of post-prison supervision, which provides a person sufficient time to receive adequate treatment and further victim and public safety.

However, when the initial prison sentence is three or four years, this significantly shortens the time allowed for important treatment in a post-prison supervision period. HB 4156 fixes this by increasing the crime of felony Stalking to a class B felony, which has a 10-year maximum sentence. This **will not** increase the crime seriousness score under Oregon Sentencing Guidelines and **does not** increase the presumptive prison sentence of this conduct. Instead, in practice it extends the supervision period allowing offenders to complete the important treatment they need for themselves while protecting the community.

Finally, HB 4156 will increase the penalty for people who engage in a narrow set of more egregious behaviors. Stalking would become a felony if the victim “contact” constituted a felony crime (such as an act of burglary or felony assault), the crime of Dissemination of an Intimate Image of the victim, or the crime of Unlawful Use of a GPS Device on the victim. The aggravated harm and risk associated with this behavior is such that it should be treated more seriously and monitored more closely. As a felony crime, offenders would have formal probation with an assigned probation officer to monitor compliance with important treatment and no victim contact conditions.

HB 4156 will go a long way toward updating the Stalking statutes in Oregon. These commonsense changes acknowledge the realities of the digital age, ensure proper rehabilitation of offenders, and appropriately increase penalties for people who engage in more serious stalking behavior.

We urge your support of HB 4156.