



HOUSE OF REPRESENTATIVES

Testimony in Support of HB 4135

February 13, 2024

Chair Kropf, Vice Chairs Anderson and Wallan, and members of the House Judiciary Committee,

Thank you for hearing HB 4135, which creates a Class A person misdemeanor crime of threatening a mass injury event. As many of you know, I am interested in closing a gap in the law between disorderly conduct (which only includes making *false* threats) and menacing (placing someone in imminent danger). The gap exists in that if an individual is making a threat that they intend to act on, but hasn't yet acted on it, there is no statute to cover that incident.

This legislation is about intervening when credible threats of mass violence are made, in order to prevent attacks from being carried out, and it's about holding individuals responsible for the immense disruption and fear they create.

Legislators before me have tried to address this issue:

- Representative **Barretto introduced [HB2380](#) in 2017.**
 - Class C Felony. Threat of mass injury event. 2 or more people.
- Senator **Knopp introduced [SB673](#) in 2019.**
 - Class C Felony. Threat of Terroristic Act. 2 or more people.
- Representative **Helt and I introduced [HB4145](#) in 2020**, which was narrowed to threats pertaining to schools and places of worship. (At the time, we had just had a devastating series of synagogue attacks and school shootings.)
 - Class C Felony. Threat to school or place of worship. No number specified, but included: *“fire, explosion, catastrophe, firearm violence or other emergency that would create a risk of substantial harm to*

property, or serious physical injury to a person, in a school or place of worship”

- Unfortunately, threats of harm are all too common nationwide, and as such, I decided to reintroduce the concept with a scope wider than just schools and places of worship. **I worked on it again and brought you [HB3035](#) in 2023.**
 - Class C Felony. Threat of mass injury event. Expanded beyond schools and places of worship to include other gathering spaces.

After additional stakeholder engagement, I am bringing you HB4135, which balances consequences that prioritize community safety, ensures post-conviction supervision, complies with Oregon’s strong free speech protections, and reports data on victims and the convicted to ensure the law is working as intended - to keep people safe.

The changes from last session include:

- A greater emphasis on “**imminence**” of a credible threat being carried out.
- Specific consideration for “the age of the person at the time of the offense”, understanding that many schools have local risk assessment and threat assessment processes.
- It also increases the threshold from two persons to **four persons**. In an attempt to try to meet part way, as some stakeholders wanted the threshold to be ten people. This number **four**, however, aligns with the number that the Gun Violence Archive used in the [Everytown Research report](#).
- This 2024 version changes the crime from a Class C felony to **Class A person misdemeanor for the first conviction**. This change was in response to concerns about long-term consequences of felonies. So, similar to disorderly conduct, this conviction is not a felony until the second conviction, and in this case would be considered a “person felony”.
- In a provision modeled after domestic violence statutes: It considers this a “person crime” and disallows possession of a firearm upon conviction.
- Lastly, it does require probation.

Threats make people in our communities feel fear, alarm, and terror. We have an opportunity to **ensure that law enforcement has the tools they need to respond to and prosecute threats of mass violence accordingly.**

In my own district in May 2022, Sherwood's Middleton Elementary School was under threat for hours. Please see [Chief Hanlon's 2023 testimony](#). Our local law enforcement used all resources available to keep the community safe, but they also felt the limitations of existing statutes. As they believed the threat to be true, but the individual hadn't acted yet, the threat has had a lasting impact on the sense of safety at the school and in the surrounding community. When I visited the school a week after the incident, the teacher wanted to prop the exterior door open for some fresh air. I'll never forget how panicked some of the students became and they asked their teacher to close it so they could feel safe. Children, in particular, are deeply affected by lockdowns, lockouts, and heightened security measures. These can have long-term implications on their mental well-being and sense of security. We have to do what we can to ensure appropriate safety responses.

Currently, when someone seriously threatens mass harm (for example, a threat of a shooting spree or intent to bomb in a public space), the crime is most often classified as disorderly conduct. Yet the **disorderly conduct statute is only for false threats**. Since disorderly conduct is a misdemeanor, it is my understanding that people convicted of this offense are subsequently still able to purchase firearms. Furthermore, because the charge is not truly designed for these situations (*because these threats are technically supposed to be "false"*), a defendant in this case could claim that they were serious about their threat as a way to avoid prosecution.

A [Secret Service report on mass shootings](#) found that prior to acting, **83% of attackers "shared verbal, written, visual, or video communications that reference their intent to carry out an attack"**.¹ Clearly, we need to allow law enforcement to appropriately intervene when threats like this are made. This law is of course NOT intended to apply to safety warnings or to law enforcement

¹ https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf

announcements when they are doing their job, but it is intended to apply to incidents that put community safety at risk. Police and sheriffs should not have to “get creative” with charges, as they sometimes have to do currently, and should be able to act appropriately in order to keep our communities safe. Intervention can save lives and prevent further incidents.

I want to thank all who have helped refine this bill and acknowledge that it has been a challenging task. While it seems no entity is completely satisfied, I have appreciated and incorporated feedback from district attorneys, police chiefs, school safety experts, justice reform advocates, criminal defense attorneys, mental health professionals, my legislative colleagues, and community members.

Thank you for the opportunity to testify. I urge your support for HB 4135.

Sincerely,

A handwritten signature in black ink that reads "Courtney Neron". The signature is written in a cursive, flowing style.

Representative Courtney Neron
House District 26 | Wilsonville, King City, Sherwood, Tigard

FAQs:

Definition of Mass Harm: We set it at four to satisfy stakeholders who wanted it higher than two and to align with news outlets and the Gun Violence Archive that Everytown <https://everytownresearch.org/mass-shootings-in-america/> uses in their report.