

SB 473 A -A4 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Meeting Dates: 4/23, 5/22

WHAT THE MEASURE DOES:

The measure creates the crime of *threatening a public official*, a Class A misdemeanor, which a person commits by knowingly conveying a threatening communication to a public official or member of their immediate family that instills in the recipient a fear of imminent and serious physical injury, that is reasonably expected to be followed by unlawful acts of violence, and was motivated by factors related to the public official's office or duties.

Detailed Summary

Creates the crime of *threatening a public official*, which a person commits by knowingly conveying, directly or indirectly, a threatening communication to a public official or member of the public official's immediate family where a reasonable person would expect the communication to be followed by unlawful acts of violence and where the threatening communication was made because of:

- The performance or nonperformance of a public duty of the public official;
- The status or position of the public official; or
- Any other factor related to the public official's office or duties.

Makes *threatening a public official* a Class A misdemeanor on first conviction and a Class C felony on subsequent convictions. Defines "public official" to include people who were elected or appointed or who have filed for nomination or election to an office established by statute or the Oregon Constitution to perform public duties for Oregon or any of its political subdivisions, including an assistant or deputy district attorney, assistant attorney general, persons serving as a prosecutor for a city or county, administrative law judges, and senior judges or judges pro tempore. Defines "threatening communication" as "a communication that instills in the recipient a fear that the person delivering or conveying the communication will cause imminent and serious physical injury to or the death of the recipient or the recipient's immediate family." Defines "immediate family" to include spouses, persons related by descending lineal consanguinity, stepchildren, adopted children, and foster children.

Declares emergency, effective on passage.

SENATE VOTE: Ayes, 29; Excused, 1

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Scope of inclusion in definition of "public official"
- Free speech issues under Oregon and United States Constitutions
- Meaning of "threatening communication" and "direct" versus "indirect"

EFFECT OF AMENDMENT:

-A4 The amendment replaces the measure and makes it unlawful for a person convicted of the crime of *menacing* against a "public official" to knowingly possess a firearm or ammunition under ORS 166.255 and defines "public official."

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

In a 2024 report, [Rising Threats to Public Officials](#), the Combatting Terrorism Center at West Point notes that the average number of federal charges for threatening public officials has increased in recent years, from an average of 38 between 2013 and 2016 to an average of 62 per year between 2017 and 2022. A 2024 [report](#) by the Brennan Center found that 43 percent of state legislators had experienced threats and that those threats affected some officeholders' willingness to continue service, address certain topics, or hold events in public spaces.

Under Oregon's criminal code, the following terms used in this measure have specific meanings related to the commission of crimes:

"Knowingly," means "that a person acts with a conscious objective to cause the result or to engage in the conduct so described." ORS 161.085(8).

"Serious physical injury" means "physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ." ORS 161.015(8).

SB 473 A would create a crime of *threatening a public official*.

Under ORS 166.255, it is currently unlawful for a person to knowingly possess a firearm or ammunition if the person is subject to certain court orders relating to stalking and other similar acts, if the person was convicted of a qualifying misdemeanor against specified relatives, or if the person was convicted of *stalking*. SB 473-11 would add a conviction of *menacing*, when the victim was a "public official" at the time of the offense, to that list.