



## City of Eugene Testimony in Support of SB 473-Senate Judiciary 2/11/25

Good afternoon Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee. I am Ethan Nelson, Intergovernmental Relations Manager for the City of Eugene, here on behalf of the City of Eugene testifying in support of Senate Bill 473. Thank you Chair Prozanski for sponsoring this bill and scheduling the public hearing today.

Senate Bill 473 was heard by this body as [Senate Bill 92](#) during the 2013 Legislative Session, where it was voted out of committee on a unanimous vote. The City of Eugene requested that Senate Bill 92 be reintroduced based on recent activities related to threatening behavior towards public officials.

While the reason for Eugene to bring this bill forward is based on our local experience, within the record is a support letter with a number of jurisdictions across the state signing on, as well as support from the League of Oregon Cities. This issue is not endemic to Eugene and applies broadly to elected officials across the state.

There are current offenses: Harassment-ORS 166.065, Menacing- ORS 163.190, and Stalking- ORS 163.732, that address similar conduct but do not address specifically "public officials," who are often targets of these crimes simply by virtue of serving the public. Additionally, as public officials, there is a heightened standard to meet for these current offenses when determining an imminent threat, rather than behavior that is considered expressive and speech-based contact. People who work for the public should feel safe reporting for work every day so that they can continue to serve the public. Within the record is a one-page comparison between the proposed Threat to Public Official offense and those of Harassment, Menacing, and Stalking.

Senate Bill 473 creates the crime of threatening a public official and provides that the crime is punishable as a Class A misdemeanor on first offense and provides that the crime is punishable as a Class C felony if a person has a prior conviction for the same offense at the time of the current offense. The bill provides for definitions of "public official", "threatening communication", and "immediate family". The escalated penalties for this crime, would provide some assurance that continued threatening behavior will not be tolerated, with the prospect of potential prison time after a first conviction for this offense.

Specifically, the bill states: "A person commits the crime of threatening a public official if:

(a) The person knowingly delivers or conveys, directly or indirectly and by any means, a threatening communication to a public official or a member of the public official's immediate family;

(b) A reasonable person would expect the threatening communication to be followed by unlawful acts of violence; and

(c) The person delivered or conveyed the threatening communication because of:

(A) The performance or nonperformance of some public duty of the public official;

(B) The status or position of the public official; or

(C) Any other factor related to the public official's office or duties.

SB 473 defines "Public official" as a person who was elected or appointed or who has filed the required documents for nomination or election to an office established, and the qualifications

and duties of which are prescribed, by statute to perform a public duty for the state or any political subdivision of the state. "Public official" includes an assistant or deputy district attorney, an assistant attorney general and a judge serving upon appointment as a senior judge or a judge pro tempore.

Additionally, SB 473 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. We believe this language incorporates previous caselaw related to speech-based threats of violence and does not run afoul of constitutional rights to otherwise lawful expressive speech.

In addition to this testimony and the materials submitted to the record via OLIS, I will include a listing of the number of threatening emails by a person in the Eugene/Springfield area related to the circuit and appeals court case that highlighted the gap in protection for elected officials.

Lastly, I was informed that the Oregon District Attorney's Association is interested in amending the bill to direct prosecution to be the authority of the Department of Justice instead of the District Attorneys, because of the conflict of interest for DA's in many cases that are brought forward for prosecution. The City of Eugene is neutral on this request and is willing to work with interested parties to coordinate amendments for consideration by the bill sponsor.

Thank you for your time, the City of Eugene asks you to support this bill and I can answer any questions to the best of my ability.

**Table One: Threatening Emails to Public Officials in Eugene over a 2-year period.**

<b>Target Affiliation</b>	<b>Number of Emails</b>
Municipal Court Judge	71
Attorney	72
Former Defense Attorney	97
Former Lane County Probation Officer	15
Former Defense Attorney	9
City Attorney	71
Lane County District Attorney (Elected)	21
Eugene City Prosecutor	64
Lane County Counsel	95
Eugene Mayor (Elected)	56
Former Municipal Court Judge	36
Circuit Court Judge (Elected)	1
LCSO Deputy	18
Former Oregon Attorney General (Elected)	125
EPD Chief of Police	64
LCSO Sheriff (Elected)	8
EPD Officer	62
Former Lane County Probation Officer	129
Director at City Manager's Office	133
Circuit Court Judge (Elected)	45
EPD Executive Assistant	32