



**Kari Hathorn**  
**Crook County District Attorney**

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February 21, 2025

Re: Testimony in Opposition to HB 2640

Dear Chair Kropf and Members of the Committee:

My name is Kari Hathorn, and I am the Crook County District Attorney. I am writing to express my opposition to HB 2640, specifically Section 2 which creates a new requirement for the State to prove the crime of Aggravated Harassment. This amendment, if passed, would undermine the safety of law enforcement officers and make the crime of Aggravated Harassment more difficult to prove.

Currently Aggravated Harassment is a Class C felony if a suspect knowingly propels saliva at an officer and the saliva comes in contact with the officer. HB 2640 seeks to modify ORS 166.070 as follows:

166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that the other person is a: c) Public safety officer, intentionally propels saliva at the public safety officer, and the saliva comes into physical contact with the public safety officer **and creates a risk of spreading communicable disease to the officer**, while the [public safety] officer is acting in the course of official duty or as a result of the [public safety] officer's official duties.

Recently, one of my local law enforcement Sergeants was spit on by a suspect who is HIV positive, and has additional communicable diseases. The Sergeant, who is also a veteran and active duty in the military, is scheduled to be deployed in a few weeks. In the underlying incident, while in the course of placing the suspect under arrest, the suspect deeply cleared his throat before spitting directly in the face of the Sergeant. The defendant is HIV positive and has additional communicable diseases. Unfortunately, now the Sergeant must undergo a process of treatment and ongoing testing. If the Sergeant contracts HIV, it will likely end his military career in addition to life-altering consequences. Unfortunately, the Sergeant will spend the next several months being tested, taking medications, and waiting to find out if he contracted HIV.

During this investigation, I have learned that proving whether a person created a risk of spreading a communicable disease is complex and requires multiple experts. In order to test the suspect's viral load, and thus the risk of spreading the communicable disease, the suspect's blood must be drawn in close proximity to the time of the exposure. The blood must be frozen within 2 hours of the draw and shipped out of state for testing. If the suspect is administered medication to reduce the viral load before the blood is drawn, the validity of the test results is impaired. Both conducting the testing, as well as the necessary expert witness testimony will create significant expense and burden on law enforcement and District Attorney's Offices.

I urge you to oppose this amendment to ORS 166.070 Aggravated Harassment that will likely prevent the prosecution of offenders who spit on law enforcement officers. Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kari Hathorn', enclosed in a thin black rectangular border.

Kari Hathorn  
Crook County District Attorney