



February 9, 2026

Senator Floyd Prozanski, Chair
Senate Committee on Judiciary
900 Court Se. NE
Salem, OR 97301

RE: Support for SB 1516 and 1530

The City of Eugene supports the passage of SB 1530 and Section 1 of SB 1516. The basis for this bill was heard as SB 473 during the 2025 session, which had unanimous support in Senate Judiciary and passed the Senate with unanimous support on April 15th. While in the House Chamber, the bill was fundamentally amended so that the initial intent of the bill was lost. The two Judiciary Committee Chairs conferenced the bill the result is contained within SB 1530. This negotiated approach did not meet the statutory deadlines before the end of the 2025 session. The City of Eugene requested that the -5 of SB 473 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, the issue is not endemic to Eugene and applies broadly to elected officials across the state.

What Eugene found is that the current offenses of Harassment-ORS 166.065, Menacing- ORS 163.190, and Stalking- ORS 163.732, do address similar conduct, they do not address specifically "public officials," who are often targets of these crimes simply by virtue of serving the public. Within the record is Attachment A-a table providing the comparison between these three statutes. 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.

Senate Bill 1516 utilizes the existing definitions within the Harassment statute ORS 160.065 1(c) of: *'intentionally subjects the public official to alarm by conveying to the public official, or to any member of the public official's family, a telephonic, electronic or written threat to inflict serious physical injury on the public official or family member, the threat would reasonably be expected to cause alarm, and the person conveyed the threat because'*-and then goes on to describe the actions that would trigger the crime.

This class of harassment crime is moved to the Aggravated Harassment ORS 160.070 statute by adding the target of this crime to be a public official. By moving this crime into the Aggravated statute, the offense moves from being a misdemeanor and becomes a Class C felony.

SB 1516 and 1530 provides for definitions of "public official", including:

A) A person who is 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 or the Oregon Constitution to perform a public duty for the state or any political subdivision of the state; and
(B) An assistant or deputy district attorney, a person serving as a prosecutor for a city or county, an assistant attorney general, an administrative law judge and a judge serving upon appointment as a senior judge or a judge pro tempore.

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.

During the deliberations of SB 473, there was concern over the impact of ‘chilling’ constitutionally protected speech, which were ultimately addressed based on existing caselaw. For the current SB 1516 and 1530, Oregon DOJ provided the following assessment:

‘The bill is likely constitutional under Rangel, with the caveat that the court would read “alarm” in the same way that is did in Rangel. Under Rangel, when “alarm” is based on a verbal/ expressive threat, the state must show that the threat is “a communication that instills in the addressee a fear of imminent and serious personal violence from the speaker, is unequivocal, and is objectively likely to be followed by unlawful acts.” 328 Or 294, 303 (1999). Because that standard would be read into the statute, the proposed language should survive a facial challenge.’

In addition to this testimony and Attachment A, I have also included, as Attachment B, 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.

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 Harassment, Menacing, and Stalking.

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.

Respectfully,

//submitted electronically//

Ethan Nelson
Intergovernmental Relations Manager

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SB 1516 and SB 1530 Testimony

Attachment A: Comparison of existing statutes.

Harassment (166.065)	Menacing (163.190)	Stalking (163.732)
<p>(1) A person commits the crime of harassment if the person intentionally:</p> <p>(a) Harasses or annoys another person by:</p> <p>(A) Subjecting such other person to offensive physical contact; or</p> <p>(B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;</p> <p>(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or</p> <p>(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm.</p> <p>(2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone or electronic device under the person's control to be used in violation of subsection (1) of this section.</p> <p>(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this section is committed in either the county in which the communication originated or the county in which the communication was received.</p>	<p>A person commits the crime of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent serious physical injury.</p>	<p>A person commits the crime of stalking if:</p> <p>(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;</p> <p>(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and</p> <p>(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.</p>
<p>Penalty:</p> <p>Class B misdemeanor</p> <p>Class A misdemeanor (if certain circumstances)</p>	<p>Penalty:</p> <p>Class A misdemeanor</p>	<p>Penalty:</p> <p>Class A misdemeanor</p> <p>Class C felony (if previous conviction or conviction for violating a stalking protective order)</p>
<p>CASELAW</p> <p>State v. Moyle, 299 Or. 691 (1985):</p> <p>The elements of the crime of harassment by telephonic or written threat are as follows:</p> <ol style="list-style-type: none"> 1. The accused intends to harass, annoy or alarm another person; 2. The accused conveys a written or telephonic threat either to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of his or her family; 3. The addressee is actually alarmed by the threat; and, 4. The threat is such that it reasonably would be expected to cause alarm. 	<p>CASELAW</p> <p>State v. Hejazi, 323 Or. App. 752 (2023):</p> <p>"imminent" threat is one that is "near at hand," "impending," or "menacingly near." Should not lack specificity or any temporal indication.</p>	<p>CASELAW</p> <p>State v. Rangel, 328 Or. 294 (1999):</p> <p>for expressive contact to qualify as a contact under the stalking statute, the communication must articulate a threat or its equivalent.</p> <p>Threat – communication that instills in the addressee a fear of imminent and serious personal violence from the speaker, is unequivocal, and is objectively likely to be followed by unlawful acts. Hyperbole, rhetorical excesses, and impotent expressions of anger or frustration—even if they are alarming—are insufficient.</p>



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SB 1516 and SB 1530 Testimony

Attachment B: Threatening Emails to Public Officials in Eugene over a 2-year period.

Target Affiliation	Number of Emails
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