

**HOUSE AMENDMENTS TO
HOUSE BILL 2479**

By COMMITTEE ON JUDICIARY

June 16

Amended Summary

[Prohibits certain kinds of harassment against a person on account of the person's race, color, religion, ancestry or national origin.]

[Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.]

Creates crime of intimidation consisting of commission of certain crimes by reason of race, color, religion or national origin. Punishes violation as Class A misdemeanor with up to one-year jail term, up to \$1,000 fine or both.

Creates crime of conspiracy to intimidate. Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

Provides for civil action, in addition to criminal prosecution, to enjoin unlawful actions and obtain damages for intimidation.

Authorizes Attorney General or district attorney to seek injunctive relief against pattern or practice of intimidation.

Declares emergency, effective on passage.

1 In line 2 of the printed bill, before the period insert "; and declaring an emergency".

2 Delete lines 4 through 10 and insert:

3 "SECTION 1. (1) A person commits the crime of intimidation if, by reason of the race, color, religion or
4 national origin of another person, the person violates ORS 163.160, 163.190, 164.345 or 166.065.

5 "(2) Intimidation is a Class A misdemeanor.

6 "SECTION 2. (1) A person commits the crime of conspiracy to intimidate if that person conspires to
7 violate section 1 of this Act.

8 "(2) Conspiracy to intimidate is a Class C felony.

9 "SECTION 3. (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a
10 violation of section 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other
11 appropriate relief against any and all persons whose actions are unlawful under this Act.

12 "(2) Upon prevailing in such action, the plaintiff may recover:

13 "(a) Both special and general damages, including damages for emotional distress;

14 "(b) Punitive damages; and

15 "(c) Reasonable attorney fees and costs.

16 "(3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment
17 recovered against such minor under this section.

18 "SECTION 4. If the Attorney General or any district attorney has reasonable cause to believe that any
19 person or group of persons is engaged in a pattern or practice involving or leading to a violation of section 1 or 2
20 of this Act, the Attorney General or district attorney may bring a civil claim for relief in the appropriate court,
21 setting forth facts pertaining to such pattern or practice, and request such relief as may be necessary to restrain
22 or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any
23 other remedy otherwise available under law.

1 **“SECTION 5. This Act being necessary for the immediate preservation of the public peace, health and**
2 **safety, an emergency is declared to exist, and this Act takes effect on its passage.”.**

A-Engrossed
House Bill 2479

Ordered by the Senate July 10
(Including Amendments by House June 16 and by Senate July 10)

Sponsored by COMMITTEE ON JUDICIARY (at the request of Governor Atiyeh)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates crime of intimidation in the **second degree** consisting of commission of certain crimes by reason of race, color, religion, [*or*] national origin or sex. Punishes violation as Class A misdemeanor with up to one-year jail term, up to \$1,000 fine or both.

Creates crime of [*conspiracy to intimidate*] intimidation in the **first degree**. Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

Provides for civil action, in addition to criminal prosecution, to enjoin unlawful actions and obtain damages for intimidation.

Authorizes [*Attorney General or*] district attorney to seek injunctive relief against [*pattern or practice of intimidation*] violations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** (1) A person commits the crime of intimidation in the second degree if, by reason of the race,
5 color, religion, national origin or sex of another person, the person violates ORS 164.345 or 166.065.

6 (2) Intimidation in the second degree is a Class A misdemeanor.

7 **SECTION 2.** (1) Two or more persons acting together commit the crime of intimidation in the first degree,
8 if the persons by reason of the race, color, religion, national origin or sex of another person, violate ORS
9 163.160, 163.190, 164.345 or 166.065.

10 (2) Intimidation in the first degree is a Class C felony.

11 **SECTION 3.** (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a
12 violation of section 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other
13 appropriate relief against any and all persons whose actions are unlawful under this Act.

14 (2) Upon prevailing in such action, the plaintiff may recover:

15 (a) Both special and general damages, including damages for emotional distress;

16 (b) Punitive damages; and

17 (c) Reasonable attorney fees and costs.

18 (3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment
19 recovered against such minor under this section, in an amount not to exceed \$5,000.

20 **SECTION 4.** If any district attorney has reasonable cause to believe that any person or group of persons is
21 engaged in violation of section 1 or 2 of this Act, the district attorney may bring a civil claim for relief in the

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

**CONFERENCE COMMITTEE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2479**

August 1

Amended Summary

Creates crime of intimidation in the second degree consisting of commission of certain crimes by reason of race, color, religion[,] or national origin [*or sex*]. Punishes violation as Class A misdemeanor with up to one-year jail term, up to \$1,000 fine or both.

Creates crime of intimidation in the first degree. Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

Provides for civil action, in addition to criminal prosecution, to enjoin unlawful actions and obtain damages for intimidation.

Authorizes district attorney to seek injunctive relief against violations.

Declares emergency, effective on passage.

Mr. Speaker:

Your Conference Committee, to whom was referred A-engrossed House Bill 2479, having had the same under consideration, respectfully reports it back with the recommendation that the House concur in the Senate amendments dated July 10 and that the bill be further amended as follows and repassed:

1 On page 1 of the printed A-engrossed bill, line 5, delete the second comma and insert "or" and delete "or
2 sex".

3 In line 8, delete the third comma and insert "or" and delete "or sex".

/s/ Tom Mason
 Representative

/s/ Bill Rutherford
 Representative

/s/ Jan Wyers
 Senator

/s/ Ted Kulongoski
 Senator

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: HB 2479 A-Engrossed

STATUS: Including Amendments by House June 16 and by Senate July 10

SUBJECT: Prohibits certain kinds of harassment against a person on account of a person's race, color, religion, ancestry or national origin.

GOVERNMENT UNIT AFFECTED: Department of Human Resources Corrections
Division, courts and counties

BUDGET AND MANAGEMENT ANALYST: Linda Getchell 7-13-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey, Vickie Gates and
Kay Hutchison 7-13-81

EFFECT ON EXPENDITURES: indeterminate

EFFECT ON REVENUES: none

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The number of cases which might be processed through the courts and corrections system as a result of this statute is indeterminate.

PREVIOUS AMENDMENTS

By House June 16

**SENATE AMENDMENTS TO
HOUSE BILL 2479**

By COMMITTEE ON JUSTICE

July 10

- 1 On page 1 of the printed House amendments dated June 16, line 3, after "intimidation" insert "in the
2 second degree" and delete "or" and insert a comma.
- 3 In line 4, after "origin" insert "or sex" and delete "163.160, 163.190,".
- 4 In line 5, after "Intimidation" insert "in the second degree".
- 5 Delete lines 6 through 8 and insert:
- 6 "**SECTION 2. (1)** Two or more persons acting together commit the crime of intimidation in the first
7 degree, if the persons by reason of the race, color, religion, national origin or sex of another person, violate
8 ORS 163.160, 163.190, 164.345 or 166.065.
- 9 "**(2)** Intimidation in the first degree is a Class C felony.".
- 10 In line 17, before the period insert ", in an amount not to exceed \$5,000".
- 11 In line 18, delete "the Attorney General or".
- 12 In line 19, delete "a pattern or practice involving or leading to a violation" and insert "violation".
- 13 In line 20, delete "Attorney General or".
- 14 In line 21, delete "pattern or practice" and insert "violation".
-

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: HB 2479

STATUS: Including 1st HA

SUBJECT: Prohibits certain kinds of harassment against a person on account of a person's race, color, religion, ancestry or national origin.

GOVERNMENT UNIT AFFECTED: Department of Human Resources Corrections
Division, Attorney General, courts, counties,

BUDGET AND MANAGEMENT ANALYST: Linda Getchell 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey, Vickie Gates and
Kay Hutchison 6-17-81

EFFECT ON EXPENDITURES: indeterminate

EFFECT ON REVENUES: none

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The number of cases which might be processed through the courts and corrections system as a result of this statute is indeterminate.

OREGON STATE SENATE
61st Legislative Assembly
STAFF MEASURE ANALYSIS

Measure: H.B. 2479 Amended

Title: Relating to crime; declaring an emergency

Committee: Justice

Hearing Dates: Public Hearing 6/30/81; Work Session 7/7/81.

Explanation Prepared By: Felicia M. Gniewosz, Legal Counsel

Problem addressed. After a wave of acts and racial and religious harassment aimed at minorities occurred in Oregon the Governor asked the Legislature on opening day of the 1981 session to pass a bill that would outlaw such harassment.

Function and purpose of measure as reported out. The bill creates the crime of intimidation in the second degree and makes it punished as a Class A misdemeanor in Section 1. Intimidation is defined as the commission of the crimes of criminal mischief III, (Class C misdemeanor) and harassment, (Class B misdemeanor) when the crimes are committed by reason of the victim's race, color, religion, national origin or sex.

Section 2 creates the crime of intimidation in the first degree and is punishable as a Class C felony when two or more persons acting together commit violation of four statutes, Assault IV (Class A misdemeanor), Menacing (Class A misdemeanor), as well as criminal mischief and harassment.

Section 3 provides a civil cause of action to the victim of intimidation and damages and injunctive relief may be awarded, including damages for emotional distress and punitive damages. An attorney fees provision ensures that the cost of litigation will not deter just claims. The parent or guardian of an unemancipated minor is made liable for a judgment against the minor up to a \$5,000 amount.

Section 4 authorizes the district attorney to seek injunctive relief where appropriate to deter persons from engaging in violations of the act. There is an emergency clause in Section 5.

- Major issues discussed.
1. ACLU objections to the language in the original bill and whether there are constitutional problems (primarily one of free speech) with the language used.
 2. Whether there had to be any "act" to constitute the "conspiracy" in the House version and the committee amendment to require some act to commit the crime.
 3. Whether two of the crimes 163.160 (assault IV) and 163.190 (menacing) should be removed from the first section since they are already Class A misdemeanor moved to Sec. 2 which makes intimidation in the second degree punishable as a Class C felony.
 4. Whether another category of sexual preference should be added.
- Effect of committee amendments.
1. Making the crime of intimidation in the second and first degrees.
 2. Adding "sex" as a classification.
 3. Limiting the liability of parents or legal guardians to \$5,000.
 4. Deleting the Attorney General, but keeping the District Attorneys authority to seek injunctive relief. Limiting reasonable causes to believe when persons are engaged in violence rather than "a pattern or practice involving or leading to" a violation.

Fiscal: Indeterminate (may be impact on courts)

(Attach additional sheets as necessary)

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: HB 2479

STATUS: Including 1st HA

SUBJECT: Prohibits certain kinds of harassment against a person on account of a person's race, color, religion, ancestry or national origin.

GOVERNMENT UNIT AFFECTED: Department of Human Resources Corrections
Division, Attorney General, courts and counties

BUDGET AND MANAGEMENT ANALYST: Linda Getchell 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey, Vickie Gates and
Kay Hutchison 6-19-81

EFFECT ON EXPENDITURES: indeterminate

EFFECT ON REVENUES: none

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The number of cases which might be processed through the courts and corrections system as a result of this statute is indeterminate.

HOUSE OF REPRESENTATIVES

61st Legislative Assembly

STAFF MEASURE ANALYSIS

Measure: HB 2479 as amended

Committee: Judiciary

Hearing Dates: April 14 and 23, and May 8, 22 and 27, 1981

Explanation Prepared by: Stephen L. Griffith, Legal Counsel

Function of Measure:

The amended bill provides criminal and civil remedies for an act of intimidation. "Intimidation" is defined as the commission of any of four crimes -- assault IV, menacing, criminal mischief III and harrassment -- with a particular motive. The motive is the race, color, religion or national origin of the viction. Sec. 1(1).

The Committee determined that crimes of the above nature are particularly heinous and should be punished as or more severaly than they are at present. The threat which they pose to social order is greater than the threat posed by other acts of violence. These crimes are based on characteristics that cannot be changed, and which have been used historically to justify great wrong. Their commission in Oregon today invites imitation, retaliation, and insecurity.

The bill punishes intimidation as a Class A misdemeanor. Sec. 1(2). It punishes conspiracy to intimidate as a Class C felony. Sec 2(2). This gradation, somewhat unusual, was adopted for a particular reason. A law enforcement officer may use deadly force to prevent the commission of a felony, but not a misdemeanor. ORS 161.239. A street encounter may often result in racial epithets being used against a law enforcement officer. The Committee wanted to avoid the possibility that the officer might feel justified to resort to deadly force merely as a result of verbal abuse in such a one-on-one confrontation. Collective action to intimidate (conspiracy), on the other hand, is properly a felony. It is less likely to occur in the context of a spontaneous citizen-police encounter; it involves a greater threat to the victim, and, by virtue of its organized nature, to society as well.

The bill provides a civil cause of action to the victim of intimidation. Sec. 3(1). Damages and injunctive relief may be awarded, including damages for emotional distress and punitive damages. An attorney fees provision ensures that the cost of litigation will not deter just claims. Sec. 3(2) The parent or guardian of an unemancipated minor is made liable for a judgment against the minor. Sec. 3(3).

The bill authorizes the Attorney General to seek injunctive relief where appropriate to halt a pattern or practice of racial, religious or other ethnic intimidation. Sec. 4.

There is an emergency clause. Sec. 5.

VOTING: Aye - Coehn, Courtney, Lombard, Mason, Rutherford, Smith, Springer
No - Hendriksen
Excused - Bugas

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: HB 2479

STATUS: Original

SUBJECT: Prohibits certain kinds of harassment against a person on account of a person's race, color, religion, ancestry or national origin.

GOVERNMENT UNIT AFFECTED: Department of Human Resources Corrections
Division, courts, counties, and cities

BUDGET AND MANAGEMENT ANALYST: Linda Getchell 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey 3-10-81

EFFECT ON EXPENDITURES: indeterminate

EFFECT ON REVENUES: none

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The number of cases which might be processed through the courts and corrections system as a result of this statute is indeterminate.

House Bill 2479

Sponsored by COMMITTEE ON JUDICIARY (at the request of Governor Atiyeh)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Prohibits certain kinds of harassment against a person on account of the person's race, color, religion, ancestry or national origin.

Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

A BILL FOR AN ACT

1

2 Relating to crime.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** Section 2 of this Act is added to and made a part of ORS 163.165 to 163.205.

5 **SECTION 2.** (1) A person commits the crime of intimidation if, intentionally and with intent to intimidate
6 another person because of such other person's race, color, religion, ancestry or national origin, the person:

7 (a) Causes physical harm to the other person;

8 (b) By word or conduct places, or attempts to place, the other person in fear of imminent physical harm; or

9 (c) Tampers with, interferes with, damages or destroys the property of the other person.

10 (2) Intimidation is a Class C felony.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

Enrolled

House Bill 2479

Sponsored by COMMITTEE ON JUDICIARY (at the request of Governor Atiyeh)

CHAPTER.....

AN ACT

Relating to crime; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A person commits the crime of intimidation in the second degree if, by reason of the race, color, religion or national origin of another person, the person violates ORS 164.345 or 166.065.

(2) Intimidation in the second degree is a Class A misdemeanor.

SECTION 2. (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons by reason of the race, color, religion or national origin of another person, violate ORS 163.160, 163.190, 164.345 or 166.065.

(2) Intimidation in the first degree is a Class C felony.

SECTION 3. (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a violation of section 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other appropriate relief against any and all persons whose actions are unlawful under this Act.

(2) Upon prevailing in such action, the plaintiff may recover:

- (a) Both special and general damages, including damages for emotional distress;
- (b) Punitive damages; and
- (c) Reasonable attorney fees and costs.

(3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section, in an amount not to exceed \$5,000.

SECTION 4. If any district attorney has reasonable cause to believe that any person or group of persons is engaged in violation of section 1 or 2 of this Act, the district attorney may bring a civil claim for relief in the appropriate court, setting forth facts pertaining to such violation, and request such relief as may be necessary to restrain or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any other remedy otherwise available under law.

SECTION 5. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

Passed by House June 19, 1981

Repassed by House August 1, 1981

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate July 14, 1981

Repassed by Senate August 2, 1981

.....
President of Senate

Received by Governor:

..... M., 1981

Approved:

..... M., 1981

.....
Governor

Filed in Office of Secretary of State:

..... M., 1981

.....
Secretary of State

Jan 7-11-81
1

ENROLLED

~~BA-Engrossed~~

House Bill 2479

Ordered by the Senate July 10²

(Including Amendments by House June 16 and by Senate July 10)⁶

Sponsored by COMMITTEE ON JUDICIARY (at the request of Governor Atiyeh)

CHAPTER _____

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates crime of intimidation in the second degree consisting of commission of certain crimes by reason of race, color, religion, [*or*] national origin or sex. Punishes violation as Class A misdemeanor with up to one-year jail term, up to \$1,000 fine or both.

Creates crime of [*conspiracy to intimidate*] intimidation in the first degree. Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

Provides for civil action, in addition to criminal prosecution, to enjoin unlawful actions and obtain damages for intimidation.

Authorizes [*Attorney General or*] district attorney to seek injunctive relief against [*pattern or practice of intimidation*] violations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

2 Relating to crime; and declaring an emergency.

3 Be It Enacted by the People of the State of Oregon:

4 SECTION 1. (1) A person commits the crime of intimidation in the second degree if, by reason of the race,
5 color, religion, national origin ~~or~~ of another person, the person violates ORS 164.345 or 166.065.

6 (2) Intimidation in the second degree is a Class A misdemeanor.

7 SECTION 2. (1) Two or more persons acting together commit the crime of intimidation in the first degree,
8 if the persons by reason of the race, color, religion, ^{or} national origin ~~or~~ of another person, violate ORS
9 163.160, 163.190, 164.345 or 166.065.

10 (2) Intimidation in the first degree is a Class C felony.

11 SECTION 3. (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a
12 violation of section 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other
13 appropriate relief against any and all persons whose actions are unlawful under this Act.

14 (2) Upon prevailing in such action, the plaintiff may recover:

15 (a) Both special and general damages, including damages for emotional distress;

16 (b) Punitive damages; and

17 (c) Reasonable attorney fees and costs.

18 (3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment
19 recovered against such minor under this section, in an amount not to exceed \$5,000.

20 SECTION 4. If any district attorney has reasonable cause to believe that any person or group of persons is
21 engaged in violation of section 1 or 2 of this Act, the district attorney may bring a civil claim for relief in the

NOTE: Matter in bold-face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

Dist. 9pm 8/1

LA 6

CONFERENCE COMMITTEE REPORT

Salem, Oregon, August 1, 1981

Mr. President or Speaker:

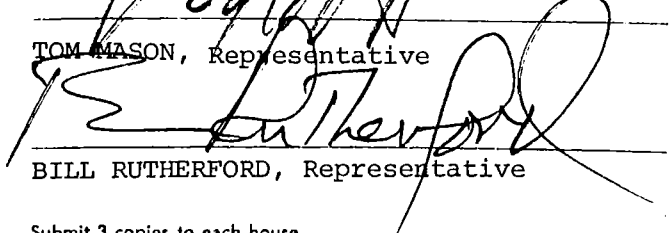
Your Conference Committee to whom was referred HB 2479, having had the same under consideration, respectfully report it back with the recommendation that the House concur in the Senate amendments as incorporated in the printed A-engrossed bill ordered by the Senate July 10, and that the bill be further amended as follows and repassed:

On page 1 of the printed A-engrossed bill, line 5, delete the second comma and insert "or", and delete "or sex".

In line 8, delete the third comma and insert "or", and delete "or sex".



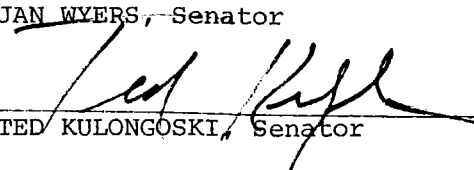
TOM MASON, Representative



BILL RUTHERFORD, Representative



JAN WYERS, Senator



TED KULONGOSKI, Senator

CONFERENCE COMMITTEE REPORT

Salem, Oregon, August 1, 1981

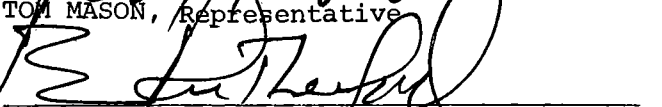
Mr. President or Speaker:

Your Conference Committee to whom was referred HB 2479, having had the same under consideration, respectfully report it back with the recommendation that the House concur in the Senate amendments as incorporated in the printed A-engrossed bill ordered by the Senate July 10, and that the bill be further amended as follows and repassed:


On page 1 of the printed A-engrossed bill, line 5, delete the second comma and insert "or", and delete "or sex".

In line 8, delete the third comma and insert "or", and delete "or sex".


TOM MASON, Representative


BILL RUTHERFORD, Representative


JAN WYERS, Senator


TED KULONGOSKI, Senator

SENATE COMMITTEE REPORT

①

Date July 7, 1981

Mr. President:

Your Committee on JUSTICE to whom was referred Amended House Bill 2479 ((A 6/16)), having had the same under consideration, respectfully report it back recommending:

(adoption) passage.

(adoption) passage with amendments.

(adoption) passage with amendments to the engrossed measure.

that the measure be printed engrossed and rereferred to committee for further consideration.

that the measure be returned to the President's Desk for rereferral. (Letter of explanation attached.) (SR 9.05(1))

(adoption) passage with amendments to resolve conflicts. (SR 9.35)

that be substituted therefor. (SR 9.45)

Other: _____

Amendments attached

Voting Aye: Senators Brown, Fadeley, Kulongoski, Wyers

Voting Nay: Senator Jernstedt, Smith

Excused: Senator Gardner

NOT CONCURRING (SR 9.15 (2)) Senator(s) _____

Referred to Committee on Ways and Means by prior reference.

Submit:
2 copies if no amdts.
7 copies if amdts.



Sen. Jan Wyers (Chairman)

Sen. 

will lead floor discussion.

PROPOSED AMENDMENTS TO HOUSE BILL 2479

1

2 On page 1 of the printed House amendments dated June 16, line 3,
3 after "intimidation" insert "in the second degree" and delete "or"
4 and insert a comma.

5 In line 4, after "origin" insert "or sex" and delete "163.160,
6 163.190,".

7 In line 5, after "Intimidation" insert "in the second degree".

8 Delete lines 6 through 8 and insert:

9 "SECTION 2. (1) Two or more persons acting together commit the
10 crime of intimidation in the first degree, if the persons by reason
11 of the race, color, religion, national origin or sex of another
12 person, violate ORS 163.160, 163.190, 164.345 or 166.065.

13 "(2) Intimidation in the first degree is a Class C felony."

14 In line 17, before the period insert ", in an amount not to
15 exceed \$5,000".

16 In line 18, delete "the Attorney General or".

17 In line 19, delete "a pattern or practice involving or leading
18 to a violation" and insert "violations".

19 In line 20, delete "Attorney General or".

20 In line 21, delete "pattern or practice" and insert
21 "violations".

Engraved

HOUSE AMENDMENTS TO
HOUSE BILL 2479

By COMMITTEE ON JUDICIARY

June 16

*By Senate
Amendment
July 10*

Amended Summary

[Prohibits certain kinds of harassment against a person on account of the person's race, color, religion, ancestry or national origin.]

[Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.]

Creates crime of intimidation consisting of commission of certain crimes by reason of race, color, religion or national origin. Punishes violation as Class A misdemeanor with up to one-year jail term, up to \$1,000 fine or both.

Creates crime of conspiracy to intimidate. Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

Provides for civil action, in addition to criminal prosecution, to enjoin unlawful actions and obtain damages for intimidation.

Authorizes Attorney General or district attorney to seek injunctive relief against pattern or practice of intimidation.

Declares emergency, effective on passage.

1 In line 2 of the printed bill, before the period insert "; and declaring an emergency".

2 Delete lines 4 through 10 and insert:

3 "SECTION 1. (1) A person commits the crime of intimidation ^{*in the second degree*} if, by reason of the race, color, religion or ^{*or sex*} national origin of another person, the person violates ORS ~~163.160, 163.190,~~ 164.345 or 166.065.

4 ^{*in the second degree*} (2) Intimidation ^{*is*} is a Class A misdemeanor.

5 SECTION 2. (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons by reason of the race, color, religion, national origin or sex of another person, violate ORS 163.160, 163.190, 164.345 or 166.065.

(2) Intimidation in the first degree is a Class C felony.

(b) Punitive damages; and

(c) Reasonable attorney fees and costs.

(3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section ^{*in an amount not to exceed \$5,000*}

SECTION 4. If the Attorney General ^{*or*} or any district attorney has reasonable cause to believe that any person or group of persons is engaged in a ~~pattern or practice involving or leading to a violation~~ ^{*violation*} of section 1 or 2 of this Act, the Attorney General ^{*or*} or district attorney may bring a civil claim for relief in the appropriate court, setting forth facts pertaining to such ~~pattern or practice~~ ^{*violation*} and request such relief as may be necessary to restrain or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any other remedy otherwise available under law.

*Insert
Delete*

1 **“SECTION 5. This Act being necessary for the immediate preservation of the public peace, health and**
2 **safety, an emergency is declared to exist, and this Act takes effect on its passage.”.**

*As amended by the Senate July 10
(Including amendments by House June 16 and by Senate July 10)*

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OREGON LEGISLATIVE ASSEMBLY--1981 Regular Session

A-ENR10532J
House Bill 2479

Sponsored by COMMITTEE ON JUDICIARY (at the request of Governor Atiyeh)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure ~~introduced~~.

Prohibits certain kinds of harassment against a person on account of the person's race, color, religion, ancestry or national origin.

Punishes violation as Class C felony with fine up to \$2,500, up to five years imprisonment, or both.

A BILL FOR AN ACT

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Relating to crime *and declaring an emergency*

Be It Enacted by the People of the State of Oregon:

~~SECTION 1. Section 2 of this Act is added to and made a part of ORS 163.165 to 163.205.~~

~~SECTION 2. (1) A person commits the crime of intimidation if, intentionally and with intent to intimidate another person because of such other person's race, color, religion, ancestry or national origin, the person:~~

~~(a) Causes physical harm to the other person;~~

~~(b) By word or conduct places, or attempts to place, the other person in fear of imminent physical harm; or~~

~~(c) Tampers with, interferes with, damages or destroys the property of the other person.~~

~~(2) Intimidation is a Class C felony.~~

Insert
①
attached
on
back

Delete

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

in the second degree

① ~~SECTION 1.~~ (1) A person commits the crime of intimidation ~~if~~, by reason of the race, color, religion, ~~or~~ national origin ^{or sex} of another person, the person violates ORS ~~163.160, 163.190,~~ 164.345 or 166.065.

Insert
①

Delete

^{in the second degree}
② Intimidation ~~is~~ a Class A misdemeanor.

~~SECTION 2.~~ (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons by reason of the race, color, religion, national origin or sex of another person, violate ORS 163.160, 163.190, 164.345 or 166.065.

~~(2)~~ Intimidation in the first degree is a Class C felony. ~~Act shall have a civil action to secure an injunction, damages or other appropriate relief against any and all persons whose actions are unlawful under this Act.~~

~~(2)~~ Upon prevailing in such action, the plaintiff may recover: (a) both special and general damages, including damages for emotional distress; (b) punitive damages; and (c) reasonable attorney fees and costs.

~~(3)~~ The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section. *in an amount not to exceed \$5,000*

~~SECTION 4.~~ If ~~the Attorney General or~~ any district attorney has reasonable cause to believe that any person or group of persons is engaged in a ~~pattern or practice involving or leading to a violation~~ ^{violation} of sections ~~(1) or (2)~~ of this Act, the ~~Attorney General or~~ district attorney may bring a civil claim for relief in the appropriate court, setting forth facts pertaining to such ~~pattern or practice~~ ^{violation}, and request such relief as may be necessary to restrain or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any other remedy otherwise available under law.

~~SECTION 5.~~ This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Act takes effect on its passage.

HOUSE COMMITTEE REPORT

Salem, Oregon Jun 15, 1981

①

Mr. Speaker:

Your Committee on Judiciary to whom was referred HB 2479 having had the same under consideration, respectfully reports it back with the recommendation that it:

- Do pass. Do pass with _____ House amendments () and be printed engrossed.
- Be adopted. Be adopted with _____ House amendments () and be printed engrossed.
- Be referred to: () Ways and Means by prior reference.
- () _____.

See Attached Amendments:
HB 2479 - Amendments
June 15, 1981
House Judiciary Committee
2-pages

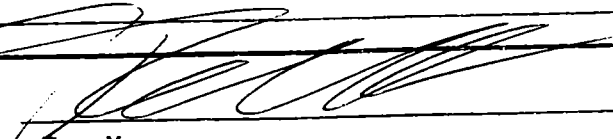
FOR INFORMATION ONLY-NOT PART OF COMMITTEE REPORT

Voting no: Hendriksen

Voting aye: Cohen, Courtney, Lombard, Mason, Rutherford, Smith, Springer

Excused: Bugas

Submit 2 copies if no amendments
7 copies if amendments
7 copies if to be printed engrossed
Return 1 copy for committee file



Tom Mason
Rep. Courtney will lead floor discussion on this measure.
Chairman

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Inline 2 of the printed bill, before the period insert "; and declaring an emergency."
Delete lines 4 through 10 of the printed bill and insert:

"SECTION 1. (1) A person commits the crime of intimidation if, by reason of the race, color, religion or national origin of another person, the person violates ORS 163.160, 163.190, 164.345 or 166.065.

" (2) Intimidation is a Class A misdemeanor.

"SECTION 2. (1) A person commits the crime of conspiracy to intimidate if that person conspires to violate section 1 of this Act.

" (2) Conspiracy to intimidate is a Class C felony.

"SECTION 3. (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a violation of section 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other appropriate relief against any and all persons whose actions are unlawful under this Act.

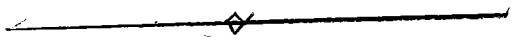
" (2) Upon prevailing in such action, the plaintiff may recover: (a) both special and general damages, including damages for emotional distress; (b) punitive damages; and (c) reasonable attorney fees and costs.

" (3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section.

"SECTION 4. If the Attorney General or any district attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice involving or leading to a violation of section 1 or 2 of this Act, the Attorney General or district attorney may bring a civil claim for relief in the appropriate court, setting forth facts pertaining to such pattern or practice, and request such relief as may be necessary to restrain or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any other remedy

1 otherwise available under law.

2 "SECTION 5. This Act being necessary for the immediate preservation
3 of the public peace, health and safety, an emergency is declared to exist
4 and this Act takes effect on its passage."



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MEASURE SUMMARY

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3 Prohibits certain kinds of harassment against a person on
4 account of the person's race, color, religion, ancestry or national
5 origin.

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Provides penalty of up to five years in prison and \$2,500 fine.

A BILL FOR AN ACT

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Relating to crime.

Be It Enacted by the People of the State of Oregon:

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ORS 163.165 to 163.205.

SECTION 2. (1) A person commits the crime of intimidation if,
intentionally and with intent to intimidate another person because
of such other person's race, color, religion, ancestry or national
origin, the person:

(a) Causes physical harm to the other person;

(b) By word or conduct places, or attempts to place, the other
person in fear of imminent physical harm; or

(c) Tampers with, interferes with, damages or destroys the
property of the other person.

(2) Intimidation is a Class C felony.

HOUSE BILL BACK

▼ CROSS OUT INAPPLICABLE WORDS ▼

①

BILL ~~RESOLUTION~~ }
 ~~MEMORIAL~~ }

NUMBER **2479**

JAN 23 1981

Title:

Relating to crime.

Sponsored by **Judiciary**
 Committee on:

At the request of:

Governor Atiyeh

All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 271.127

OFFICE SPONSOR

Tom Mason, Chairperson

SPONSORS House				SPONSORS House				SPONSORS Senate			
	Principal	Additional	Additional		Principal	Additional	Additional		Principal	Additional	Additional
Anderson				Katz				Brown			
Bauman				Kennedy				Bullock			
Bellamy				Kerans				Burbidge			
Bradbury				Lindquist				Day			
Brogioiti				Lombard				Fadeley			
Bugas				Magruder				Gardner			
Burrows				Markham				Groener			
Campbell				Mason				Hallock			
Cease				Meyer				Hanlon			
Cherry				Myers				Hannon			
Chrest				Otto				Hartung			
Cohen				Parkinson				Heard			
Courtney				Priestley				Isham			
Davis				Riebel				Jernstedt			
DeBoer				Rijken				Kitzhaber			
Farmer				Roberts, B.				Kulongoski			
Fawbush				Roberts, L.				McCoy			
Ford				Rutherford				McFarland			
Gilmour				Ryles				Meeker			
Gold				Schoon				Monroe			
Grannell				Simpson				Potts			
Hamby				Smith				Powell			
Hanneman				Springer				Ripper			
Harper				Throop				Roberts			
Hendriksen				Trahern				Simmons			
Hooley				Van Vliet				Smith			
Johnson				VanLeeuwen				Thorne			
Jolin				Whallon				Trow			
Jones				Yih				Wingard			
Kafoury				Zajonc				Wyers			

Staple

Staple

NOTICE ON TABLING

May 27, 1981
(Date)

From the Committee on Judiciary

To the Chief Clerk of the House:

This is to inform you that HB 2479

(Measure No.)

has been (Tabled in committee.)
 (Taken from table in committee.)

Tom Mason Chairman

LA 45 H Com

NOTICE ON TABLING

May 11, 1981
(Date)

From the Committee on Judiciary

To the Chief Clerk of the House:

This is to inform you that HB 2479

(Measure No.)

has been (Tabled in committee.) By Rule.
 (Taken from table in committee.)

Tom Mason Chairman

LA 45 H Com