

Hate and Bias Crimes: Oregon Laws

Presentation by BJ Park

First, the old law

Old Law (ORS 166.165): Intimidation 1 (Felony)

Two or more defendants acting together

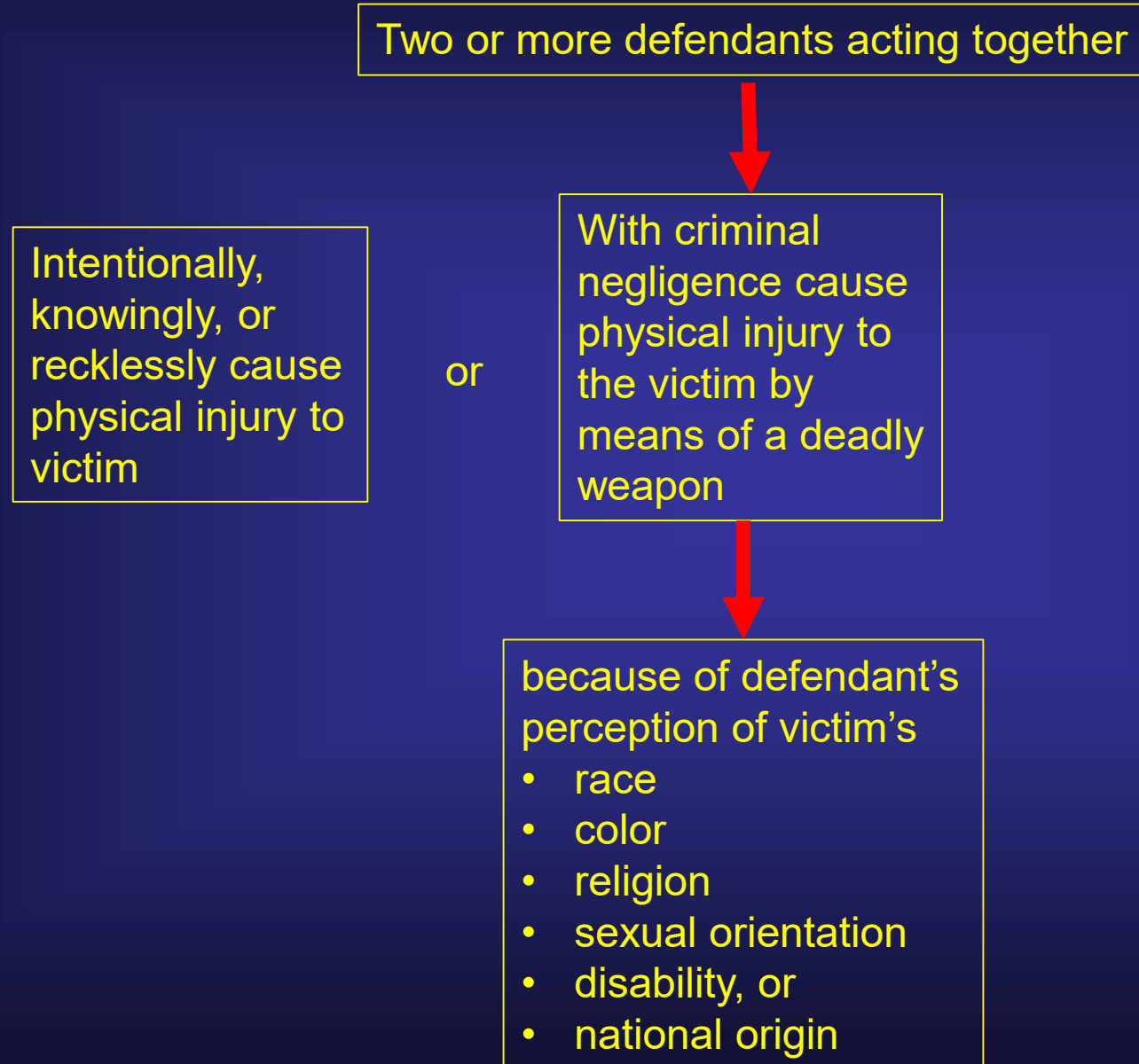
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graph TD; A[Two or more defendants acting together] --> B[Intentionally, knowingly, or recklessly cause physical injury to victim]; B --> C[because of defendant's perception of victim's]; C --> D["• race  
• color  
• religion  
• sexual orientation  
• disability, or  
• national origin"]
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Intentionally,
knowingly, or
recklessly cause
physical injury to
victim

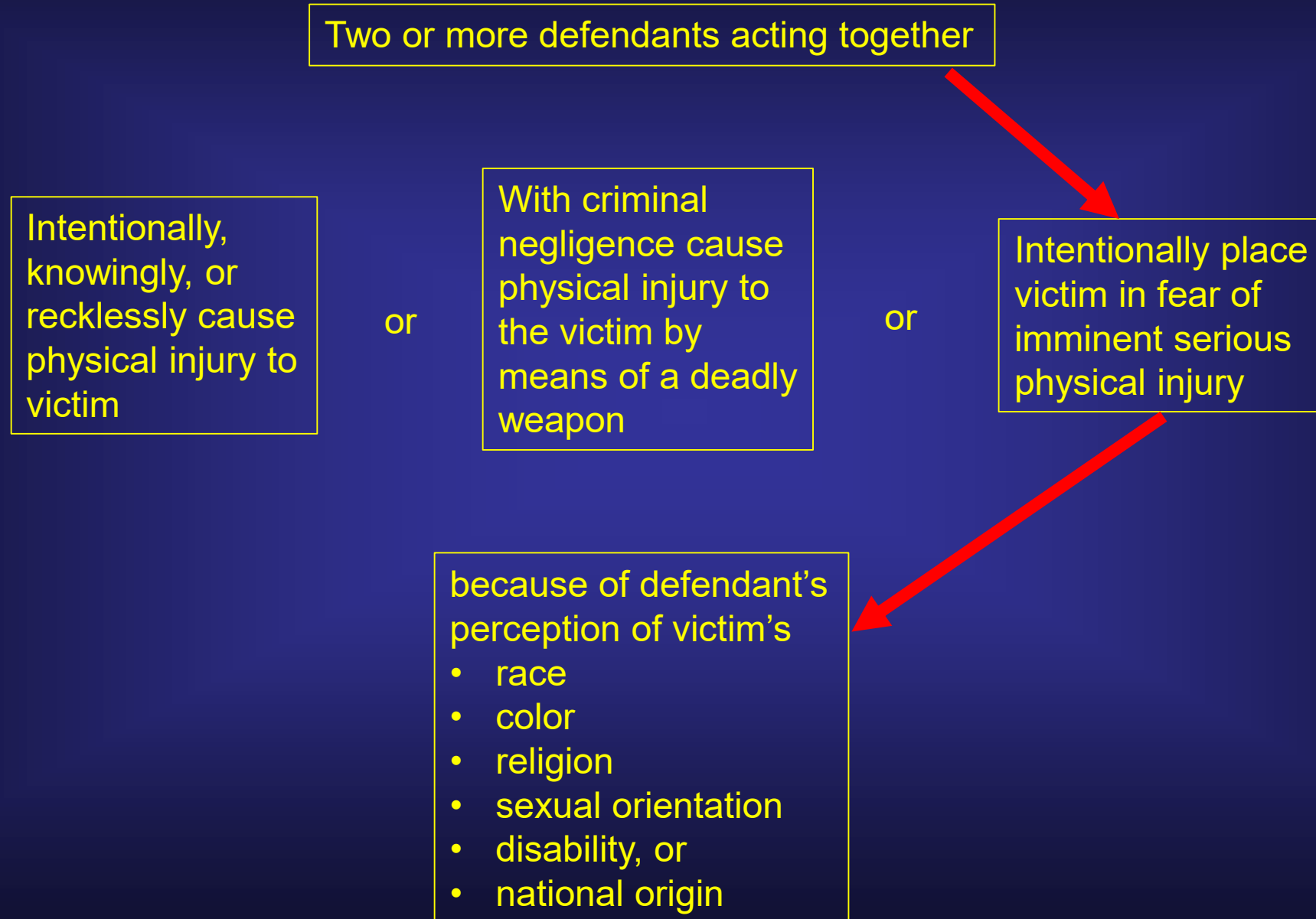
because of defendant's
perception of victim's

- race
- color
- religion
- sexual orientation
- disability, or
- national origin

Old Law (ORS 166.165): Intimidation 1 (Felony)



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Two or more defendants acting together

Intentionally,
knowingly, or
recklessly cause
physical injury to
victim

or

With criminal
negligence cause
physical injury to
the victim by
means of a deadly
weapon

or

Intentionally place
victim in fear of
imminent serious
physical injury

because of defendant's
perception of victim's

- race
- color
- religion
- sexual orientation
- disability, or
- national origin

Old Law (ORS 166.155): Intimidation 2 (Misdemeanor)

- Tamper or interferes with property
- (having no right to do so nor reasonable ground to believe that defendant has such right)
- with the intent to cause substantial inconvenience to victim

because of defendant's perception of victim's

- race
- color
- religion
- sexual orientation
- disability, or
- national origin

Old Law (ORS 166.155): Intimidation 2 (Misdemeanor)

- Tamper or interferes with property
- (having no right to do so nor reasonable ground to believe that defendant has such right)
- with the intent to cause substantial inconvenience to victim

or

Intentionally
subjects victim to
offensive physical
contact



because of defendant's
perception of victim's

- race
- color
- religion
- sexual orientation
- disability, or
- national origin

Old Law (ORS 166.155): Intimidation 2 (Misdemeanor)

- Tamper or interferes with property
- (having no right to do so nor reasonable ground to believe that defendant has such right)
- with the intent to cause substantial inconvenience to victim

or

Intentionally subjects victim to offensive physical contact

or

- Intentionally subjects victim to alarm by threatening
- (A) to inflict serious physical injury or commit a felony affecting the victim or a member of victim's family or
- (B) to cause substantial damage to the property of victim or victim's family

because of defendant's perception of victim's

- race
- color
- religion
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Intentionally subjects victim to offensive physical contact

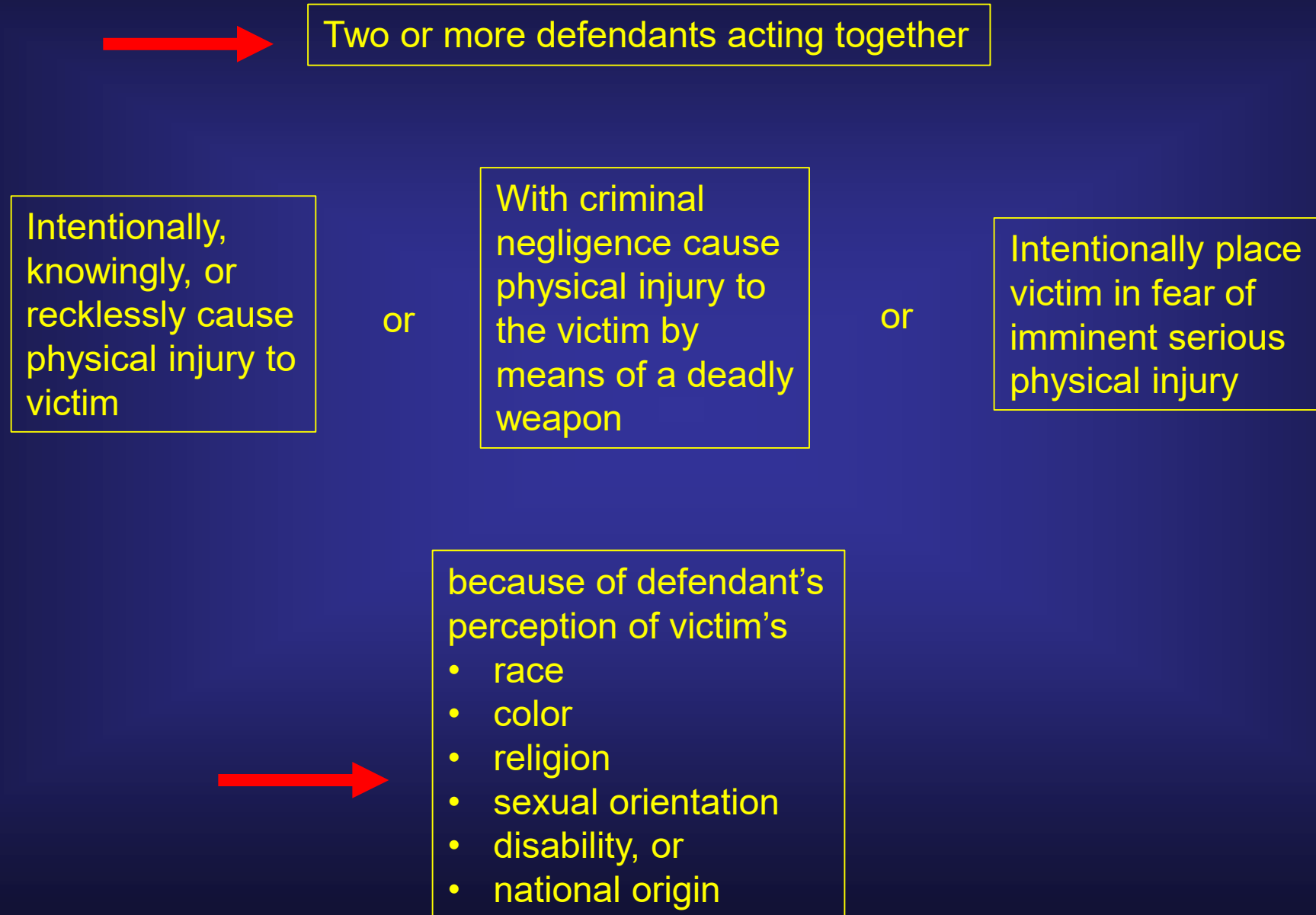
or

because of defendant's perception of victim's

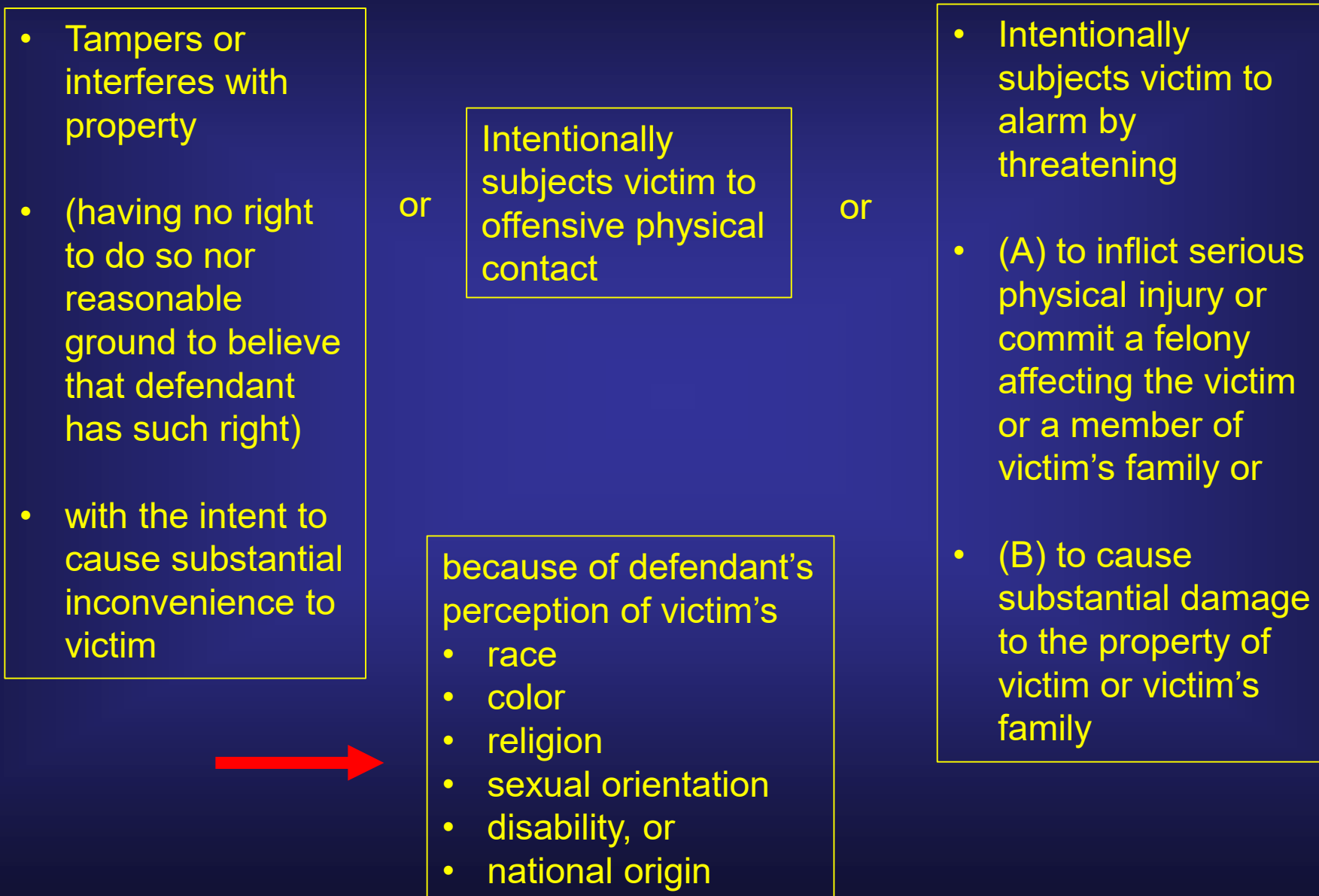
- race
- color
- religion
- sexual orientation
- disability, or
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- (A) to inflict serious physical injury or commit a felony affecting the victim or a member of victim's family or
- (B) to cause substantial damage to the property of victim or victim's family

Old Law (ORS 166.165): Intimidation 1 (Felony)



Old Law (ORS 166.155): Intimidation 2 (Misdemeanor)



Now, Oregon's new law

New Law (ORS 166.165): Bias Crime 1 (Felony)

Two or more defendants acting together

Intentionally,
knowingly, or
recklessly cause
physical injury to
victim

or

With criminal
negligence cause
physical injury to
the victim by
means of a deadly
weapon

or

Intentionally place
victim in fear of
imminent serious
physical injury

because of defendant's
perception of victim's

- race
- color
- religion
- sexual orientation
- disability, or
- national origin

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Two or more defendants acting together

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Intentionally place
victim in fear of
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With criminal
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the victim by
means of a deadly
weapon

or

Intentionally place
victim in fear of
imminent serious
physical injury

because of defendant's
perception of victim's

- race
- color
- religion
- gender identity
- sexual orientation
- disability, or
- national origin

Gender identity:

an individual's gender-related identity, appearance, expression or behavior,

regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.

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Intentionally,
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physical injury to
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or

With criminal
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Intentionally place
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- race
- color
- religion
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- sexual orientation
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- national origin

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- (having no right to do so nor reasonable ground to believe that defendant has such right)
- with the intent to cause substantial inconvenience to victim

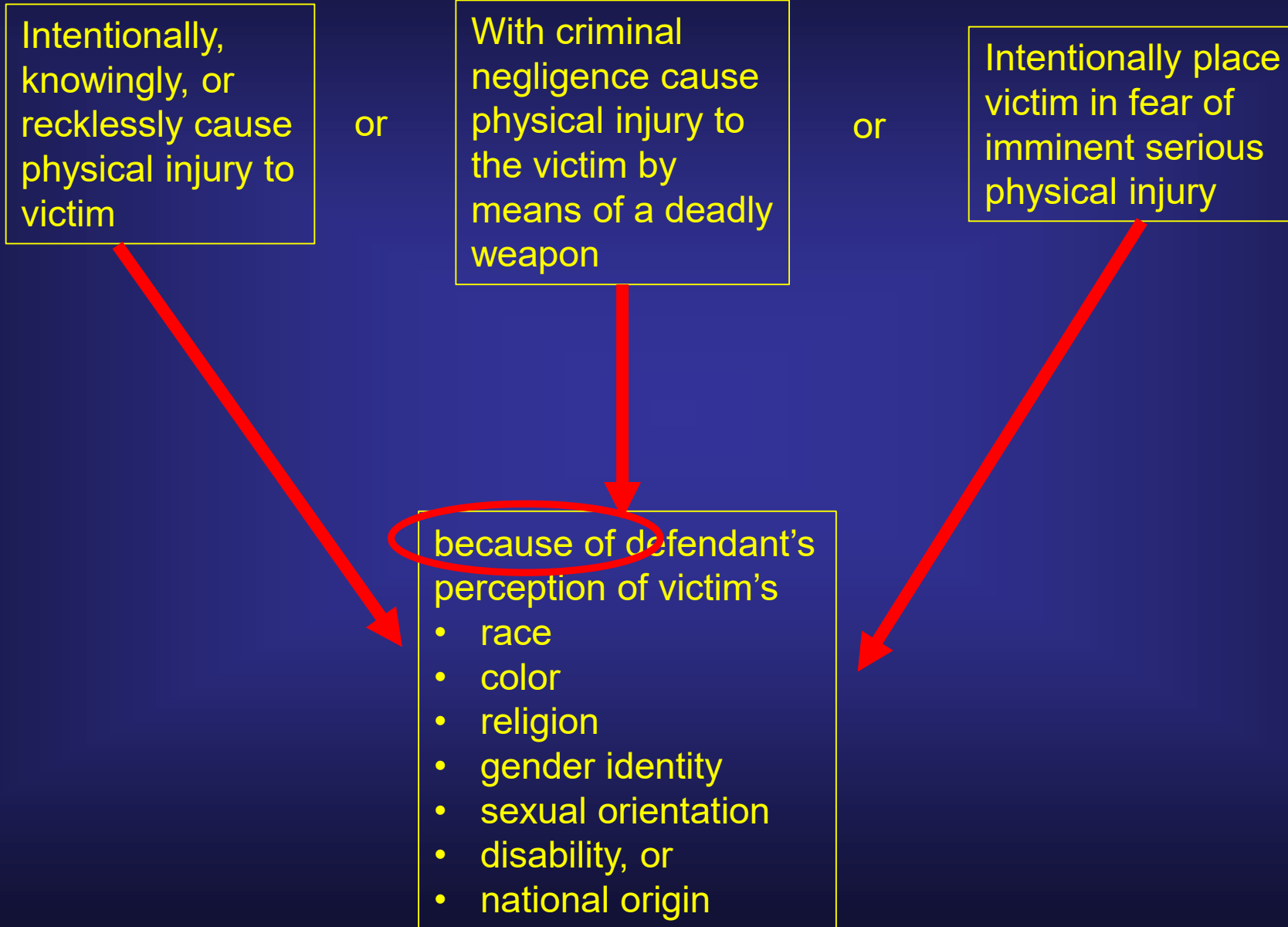
Intentionally subjects victim to offensive physical contact

- because of defendant's perception of victim's
- race
 - color
 - religion
 - gender identity
 - sexual orientation
 - disability, or
 - national origin
- 

- Intentionally subjects victim to alarm by threatening
- (A) to inflict serious physical injury or commit a felony affecting the victim or a member of victim's family or
- (B) to cause substantial damage to the property of victim or victim's family

- Bias Crime (new statute) took effect July 15, 2019.
- Not retroactive.
- All bias crimes committed before July 15, 2019 is under the old Intimidation statute.

New Law (ORS 166.165): Bias Crime 1 (Felony)



New Law (ORS 166.155): Bias Crime 2 (Misdemeanor)

