

**A-Engrossed**  
**House Bill 3491**

Ordered by the House June 28  
Including House Amendments dated June 28

Sponsored by Representative HUNT; Representatives BARKER, OLSON

**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 disorderly conduct in first degree. **Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.** Punishes **subsequent conviction** by maximum of five years' imprisonment, \$125,000 fine, or both. **Allows preadjudication detention of youth offender under certain circumstances.**

**A BILL FOR AN ACT**

1  
2 Relating to a crime involving false reports concerning schools; creating new provisions; and  
3 amending ORS 166.025, 166.116 and 419C.145.

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

5 **SECTION 1.** ORS 166.025 is amended to read:

6 166.025. (1) A person commits the crime of disorderly conduct **in the second degree** if, with  
7 intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the  
8 person:

9 (a) Engages in fighting or in violent, tumultuous or threatening behavior;

10 (b) Makes unreasonable noise;

11 (c) Disturbs any lawful assembly of persons without lawful authority;

12 (d) Obstructs vehicular or pedestrian traffic on a public way;

13 (e) Congregates with other persons in a public place and refuses to comply with a lawful order  
14 of the police to disperse;

15 (f) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending  
16 fire, explosion, crime, catastrophe or other emergency; or

17 (g) Creates a hazardous or physically offensive condition by any act which the person is not li-  
18 censed or privileged to do.

19 (2) Disorderly conduct **in the second degree** is a Class B misdemeanor.

20 **SECTION 2.** Section 3 of this 2005 Act is added to and made a part of ORS 166.005 to  
21 **166.095.**

22 **SECTION 3.** (1) A person commits the crime of disorderly conduct in the first degree if,  
23 with intent to cause public inconvenience, annoyance or alarm, or knowingly creating a risk  
24 thereof, the person initiates or circulates a report, knowing it to be false:

25 (a) Concerning an alleged hazardous substance or an alleged or impending fire, explosion,  
26 catastrophe or other emergency; and

27 (b) Stating that the hazardous substance, fire, explosion, catastrophe or other emergency

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **is located in or upon a school as defined in ORS 339.315.**

2 **(2)(a) Disorderly conduct in the first degree is a Class A misdemeanor.**

3 **(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the first de-**  
4 **gree is a Class C felony if the defendant has at least one prior conviction for violating sub-**  
5 **section (1) of this section.**

6 **SECTION 4.** ORS 166.116 is amended to read:

7 166.116. (1) A person commits the crime of interfering with public transportation if the person:

8 (a) Intentionally or knowingly enters or remains unlawfully in or on a public transit vehicle or  
9 public transit station;

10 (b) Intentionally or knowingly interferes with the provision or use of public transportation ser-  
11 vices by, among other things, interfering with the movement of, or access to, public transit vehicles;

12 (c) While in or on a public transit vehicle or public transit station, engages in disorderly con-  
13 duct **in the second degree** as defined in ORS 166.025; or

14 (d) Subjects a public transportation passenger, employee, agent or security officer or transit  
15 police officer to offensive physical contact.

16 (2) Interfering with public transportation is a Class A misdemeanor.

17 (3) As used in this section:

18 (a) "Enter or remain unlawfully" has the meaning given that term in ORS 164.205.

19 (b) "Public transit station" includes all facilities, structures, lands and rights of way that are  
20 owned, leased, held or used for the purposes of providing public transportation services.

21 (c) "Public transit vehicle" means a vehicle that is used for public transportation or operated  
22 by or under contract to any public body in order to provide public transportation.

23 (d) "Public transportation" means transportation provided by a city, county, special district or  
24 any other political subdivision or municipal or public corporation.

25 **SECTION 5.** ORS 419C.145 is amended to read:

26 419C.145. (1) A youth may be held or placed in detention before adjudication on the merits if  
27 one or more of the following circumstances exists:

28 (a) The youth is a fugitive from another jurisdiction;

29 (b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005, by having  
30 committed or attempted to commit an offense which, if committed by an adult, would be chargeable  
31 as:

32 (A) A crime involving infliction of physical injury to another person;

33 **(B) A misdemeanor under section 3 of this 2005 Act; or**

34 ~~[(B)]~~ (C) Any felony crime;

35 (c) The youth has willfully failed to appear at one or more juvenile court proceedings by having  
36 disobeyed a proper summons, citation or subpoena;

37 (d) The youth is currently on probation imposed as a consequence of the youth previously having  
38 been found to be within the jurisdiction of the court under ORS 419C.005, and there is probable  
39 cause to believe the youth has violated one or more of the conditions of that probation;

40 (e) The youth is subject to conditions of release pending or following adjudication of a petition  
41 alleging that the youth is within the jurisdiction of the court pursuant to ORS 419C.005 and there  
42 is probable cause to believe the youth has violated a condition of release; or

43 (f) The youth is alleged to be in possession of a firearm in violation of ORS 166.250.

44 (2) A youth detained under subsection (1) of this section must be released to the custody of a  
45 parent or other responsible person, released upon the youth's own recognizance or placed in shelter

1 care unless the court or its authorized representative makes written findings that there is probable  
2 cause to believe that the youth may be detained under subsection (1) of this section, that describe  
3 why it is in the best interests of the youth to be placed in detention and that one or more of the  
4 following circumstances are present:

5 (a) No means less restrictive of the youth's liberty gives reasonable assurance that the youth  
6 will attend the adjudicative hearing; or

7 (b) The youth's behavior endangers the physical welfare of the youth or another person, or en-  
8 dangers the community.

9 (3) When a youth is ordered held or placed in detention, the court or its authorized represen-  
10 tative shall state in writing the basis for its detention decision and a finding describing why it is  
11 in the best interests of the youth to be placed in detention. The youth shall have the opportunity  
12 to rebut evidence received by the court and to present evidence at the hearing.

13 (4) In determining whether release is appropriate under subsection (2) of this section, the court  
14 or its authorized representative shall consider the following:

15 (a) The nature and extent of the youth's family relationships and the youth's relationships with  
16 other responsible adults in the community;

17 (b) The youth's previous record of referrals to juvenile court and recent demonstrable conduct;

18 (c) The youth's past and present residence;

19 (d) The youth's education status and school attendance record;

20 (e) The youth's past and present employment;

21 (f) The youth's previous record regarding appearance in court;

22 (g) The nature of the charges against the youth and any mitigating or aggravating factors;

23 (h) The youth's mental health; and

24 (i) Any other facts relevant to the likelihood of the youth's appearance in court or likelihood  
25 that the youth will comply with the law and other conditions of release.

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