

# D R A F T

## SUMMARY

Creates crime of criminal impersonation. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Provides that individual who suffers harm as victim of criminal impersonation has cause of action against defendant.

Renames current crime of criminal impersonation to criminal impersonation of a public servant.

## A BILL FOR AN ACT

1  
2 Relating to criminal impersonation; creating new provisions; and amending  
3 ORS 161.005 and 162.365.

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

5 **SECTION 1. (1) A person commits the crime of criminal**  
6 **impersonation if:**

7 **(a) The person, with the intent to injure an individual, intentionally**  
8 **impersonates the individual in a communication to a third person**  
9 **without the individual's consent;**

10 **(b) The person acts with the intent to deceive the third person into**  
11 **believing that the third person is communicating with the individual;**

12 **(c) A reasonable person in the circumstances of the third person**  
13 **would believe that the third person is communicating with the indi-**  
14 **vidual; and**

15 **(d) The impersonation causes injury to the individual.**

16 **(2) Criminal impersonation is a Class A misdemeanor.**

17 **(3) As used in this section:**

18 **(a) "Impersonate" means to use an actual individual's name or**

1 **likeness to create a representation of the individual that another per-**  
2 **son would reasonably believe was or is the actual individual being**  
3 **impersonated.**

4 (b) **“Injure” means to intimidate, threaten, harass or physically**  
5 **harm.**

6 **SECTION 2. (1) A plaintiff has a cause of action for the recovery**  
7 **of compensatory damages from any person who violates section 1 of**  
8 **this 2016 Act.**

9 (2) **In an action brought under subsection (1) of this section, the**  
10 **court may award the prevailing party costs and reasonable attorney**  
11 **fees.**

12 **SECTION 3. ORS 162.365 is amended to read:**

13 162.365. (1) A person commits the crime of criminal impersonation **of a**  
14 **public servant** if, with intent to obtain a benefit, to injure or defraud an-  
15 other or to facilitate an unlawful activity, the person does an act in the as-  
16 sumed character of[:]

17 [(a)] a public servant[; or]

18 [(b) *An active member or veteran of the Armed Forces of the United*  
19 *States*].

20 (2) It is no defense to a prosecution [*for criminal impersonation*] **under**  
21 **this section** that:

22 (a) The office, position or title that the person pretended to hold did not  
23 in fact exist; or

24 (b) The unit of government that the person pretended to represent did not  
25 in fact exist.

26 (3)(a) Criminal impersonation **of a public servant** is a Class A  
27 misdemeanor.

28 (b) Notwithstanding paragraph (a) of this subsection, criminal  
29 impersonation **of a public servant** is a Class C felony if the public servant  
30 impersonated is a peace officer, judge or justice of the peace.

31 (4) **For the purposes of this section, “public servant” includes an**

1 **active member or veteran of the Armed Forces of the United States.**

2 **SECTION 4.** ORS 161.005 is amended to read:

3 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175,  
4 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585,  
5 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035,  
6 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425,  
7 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196,  
8 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305  
9 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693,  
10 163.700, 163.701, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270,  
11 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to  
12 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384,  
13 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to  
14 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and**  
15 **section 1 of this 2016 Act** shall be known and may be cited as Oregon  
16 Criminal Code of 1971.

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