

# Chapter 162

2017 EDITION

## Offenses Against the State and Public Justice

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**DEFINITIONS**

**162.005 Definitions for ORS 162.005 to 162.425.** As used in ORS 162.005 to 162.425, unless the context requires otherwise:

(1) “Pecuniary benefit” means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary, in the form of money, property, commercial interests or economic gain, but does not include a political campaign contribution reported in accordance with ORS chapter 260.

(2) “Public servant” means:

(a) A public official as defined in ORS 244.020;

(b) A person serving as an advisor, consultant or assistant at the request or direction of the state, any political subdivision thereof or of any governmental instrumentality within the state;

(c) A person nominated, elected or appointed to become a public servant, although not yet occupying the position; and

(d) Jurors. [1971 c.743 §178; 2007 c.865 §22]

**162.010** [Repealed by 1971 c.743 §432]

**BRIBERY**

**162.015 Bribe giving.** (1) A person commits the crime of bribe giving if the person offers, confers or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant’s vote, opinion, judgment, action, decision or exercise of discretion in an official capacity.

(2) Bribe giving is a Class B felony. [1971 c.743 §179]

**162.020** [Repealed by 1971 c.743 §432]

**162.025 Bribe receiving.** (1) A public servant commits the crime of bribe receiving if the public servant:

(a) Solicits any pecuniary benefit with the intent that the vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced; or

(b) Accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

(2) Bribe receiving is a Class B felony. [1971 c.743 §180]

**162.030** [Amended by 1963 c.625 §3; repealed by 1971 c.743 §432]

**162.035 Bribery defenses.** (1) In any prosecution under ORS 162.015, it is a defense that the defendant offered, conferred or agreed to confer the pecuniary benefit as

a result of the public servant’s conduct constituting extortion or coercion.

(2) It is no defense to a prosecution under ORS 162.015 and 162.025 that the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction or for any other reason. [1971 c.743 §181]

**162.040** [Repealed by 1971 c.743 §432]

**PERJURY AND RELATED OFFENSES**

**162.055 Definitions for ORS 162.055 to 162.425.** As used in ORS 162.055 to 162.425 and 162.465, unless the context requires otherwise:

(1) “Benefit” means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

(2) “Material” means that which could have affected the course or outcome of any proceeding or transaction. Whether a false statement is “material” in a given factual situation is a question of law.

(3) “Statement” means any representation of fact and includes a representation of opinion, belief or other state of mind where the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

(4) “Sworn statement” means any statement that attests to the truth of what is stated and that is knowingly given under any form of oath or affirmation or by declaration under penalty of perjury as described in ORCP 1 E.

(5) “Unsworn declaration” has the meaning given that term in ORS 194.805. [1971 c.743 §182; 1981 c.892 §90; 2003 c.194 §4; 2013 c.218 §18]

**162.065 Perjury.** (1) A person commits the crime of perjury if the person makes a false sworn statement or a false unsworn declaration in regard to a material issue, knowing it to be false.

(2) Perjury is a Class C felony. [1971 c.743 §183; 2013 c.218 §19]

**162.075 False swearing.** (1) A person commits the crime of false swearing if the person makes a false sworn statement or a false unsworn declaration, knowing it to be false.

(2) False swearing is a Class A misdemeanor. [1971 c.743 §184; 2013 c.218 §20]

**162.085 Unsworn falsification.** (1) A person commits the crime of unsworn falsification if the person knowingly makes any false written statement to a public servant in connection with an application for any benefit.

(2) Unsworn falsification is a Class B misdemeanor. [1971 c.743 §185]

**162.095 Defenses to perjury and false swearing limited.** It is no defense to a prosecution for perjury or false swearing that:

(1) The statement was inadmissible under the rules of evidence; or

(2) The oath or affirmation was taken or administered in an irregular manner; or

(3) The defendant mistakenly believed the false statement to be immaterial. [1971 c.743 §186]

**162.105 Retraction as defense.** (1) It is a defense to a prosecution for perjury or false swearing committed in an official proceeding that the defendant retracted the false statement:

(a) In a manner showing a complete and voluntary retraction of the prior false statement; and

(b) During the course of the same official proceeding in which it was made; and

(c) Before the subject matter of the official proceeding is submitted to the ultimate trier of fact.

(2) "Official proceeding," as used in this section, means a proceeding before any judicial, legislative or administrative body or officer, wherein sworn statements are received, and includes any referee, hearing examiner, commissioner, notary or other person taking sworn statements in connection with such proceedings. Statements made in separate stages of the same trial or administrative proceeding shall be considered to have been made in the course of the same proceeding. [1971 c.743 §187]

**162.110** [Repealed by 1971 c.743 §432]

**162.115 Corroboration of falsity required.** In any prosecution for perjury or false swearing, falsity of a statement may not be established solely through contradiction by the testimony of a single witness. [1971 c.743 §188]

**162.117 Public investment fraud.** (1) A person commits the crime of public investment fraud if, for the purpose of influencing in any way the action of the State Treasury, the person knowingly makes any false statement or report.

(2) Public investment fraud is a Class B felony.

(3) Public investment fraud shall be classified as crime category 6 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.

(4) As used in this section, "action of the State Treasury" includes any application, advance, discount, purchase, purchase agree-

ment, repurchase agreement, commitment or loan, or any change or extension of any of them, by renewal, deferment of action or otherwise, or the acceptance, release or substitution of security therefor. [1993 c.768 §1]

**Note:** 162.117, 162.118, 162.119 and 162.121 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 162 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**162.118 Illegal conduct by State Treasury not a defense.** Illegal conduct by the State Treasury or any of its employees or agents shall not be a defense for any person charged with the crime of public investment fraud or to any person against whom any civil action is brought under ORS 30.862 and 162.117 to 162.121. [1993 c.768 §2]

**Note:** See note under 162.117.

**162.119 Public fraud as racketeering activity.** (1) Conduct constituting a violation of ORS 162.117 shall be an incident of racketeering activity for purposes of criminal actions brought under ORS 166.715 to 166.735.

(2) Conduct giving rise to the civil cause of action described in ORS 30.862 shall be an incident of racketeering activity for purposes of civil actions brought under ORS 166.715 to 166.735. [1993 c.768 §3]

**Note:** See note under 162.117.

**162.120** [Repealed by 1971 c.743 §432]

**162.121 Construction of ORS 162.117 to 162.121.** The provisions of ORS 30.862 and 162.117 to 162.121 shall be liberally construed to effectuate its remedial purposes. [1993 c.768 §5]

**Note:** See note under 162.117.

**162.130** [Repealed by 1971 c.743 §432]

## ESCAPE, SUPPLYING CONTRABAND AND FAILURE TO APPEAR

**162.135 Definitions for ORS 162.135 to 162.205.** As used in ORS 162.135 to 162.205, unless the context requires otherwise:

(1)(a) "Contraband" means:

(A) Controlled substances as defined in ORS 475.005;

(B) Drug paraphernalia as defined in ORS 475.525;

(C) Except as otherwise provided in paragraph (b) of this subsection, currency possessed by or in the control of an inmate confined in a correctional facility; or

(D) Any article or thing which a person confined in a correctional facility, youth correction facility or state hospital is prohibited by statute, rule or order from obtaining or possessing, and whose use would endanger the safety or security of such institution or any person therein.

(b) “Contraband” does not include authorized currency possessed by an inmate in a work release facility.

(2) “Correctional facility” means any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to a youth correction facility. “Correctional facility” applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.370.

(3) “Currency” means paper money and coins that are within the correctional institution.

(4) “Custody” means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order, but does not include detention in a correctional facility, youth correction facility or a state hospital.

(5) “Escape” means the unlawful departure of a person from custody or a correctional facility. “Escape” includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board under ORS 161.315 to 161.351. “Escape” does not include failure to comply with provisions of a conditional release in ORS 135.245.

(6) “Youth correction facility” means:

(a) A youth correction facility as defined in ORS 420.005; and

(b) A detention facility as defined in ORS 419A.004.

(7) “State hospital” means the Oregon State Hospital and any other hospital established by law for similar purposes.

(8) “Unauthorized departure” means the unauthorized departure of a person confined by court order in a youth correction facility or a state hospital that, because of the nature of the court order, is not a correctional facility as defined in this section, or the failure to return to custody after any form of temporary release or transitional leave from a correctional facility. [1971 c.743 §189; 1973 c.836 §342; 1983 c.740 §28; 1983 c.815 §7; 1985 c.565 §16; 1989 c.790 §53; 1991 c.809 §1; 1993 c.33 §307; 1995 c.738 §2; 1997 c.249 §47; 1999 c.504 §1; 2001 c.295 §8; 2001 c.900 §24; 2005 c.685 §10; 2007 c.14 §3; 2011 c.708 §21; 2013 c.36 §36; 2015 c.318 §8; 2017 c.442 §20]

**Note:** The amendments to 162.135 by section 20, chapter 442, Oregon Laws 2017, become operative July 1, 2018. See section 36, chapter 442, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user’s convenience.

**162.135.** As used in ORS 162.135 to 162.205, unless the context requires otherwise:

(1)(a) “Contraband” means:

(A) Controlled substances as defined in ORS 475.005;

(B) Drug paraphernalia as defined in ORS 475.525;

(C) Except as otherwise provided in paragraph (b) of this subsection, currency possessed by or in the control of an inmate confined in a correctional facility; or

(D) Any article or thing which a person confined in a correctional facility, youth correction facility or state hospital is prohibited by statute, rule or order from obtaining or possessing, and whose use would endanger the safety or security of such institution or any person therein.

(b) “Contraband” does not include authorized currency possessed by an inmate in a work release facility.

(2) “Correctional facility” means any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to a youth correction facility. “Correctional facility” applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.370.

(3) “Currency” means paper money and coins that are within the correctional institution.

(4) “Custody” means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order, but does not include detention in a correctional facility, youth correction facility or a state hospital.

(5) “Escape” means the unlawful departure of a person from custody or a correctional facility. “Escape” includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board or under the jurisdiction of the Oregon Health Authority under ORS 161.315 to 161.351. “Escape” does not include failure to comply with provisions of a conditional release in ORS 135.245.

(6) “Youth correction facility” means:

(a) A youth correction facility as defined in ORS 420.005; and

(b) A detention facility as defined in ORS 419A.004.

(7) “State hospital” means the Oregon State Hospital and any other hospital established by law for similar purposes.

(8) “Unauthorized departure” means the unauthorized departure of a person confined by court order in a youth correction facility or a state hospital that, because of the nature of the court order, is not a correctional facility as defined in this section, or the failure to return to custody after any form of temporary release or transitional leave from a correctional facility.

**162.140** [1959 c.307 §1; 1961 c.312 §1; 1963 c.499 §9; repealed by 1971 c.743 §432]

**162.145 Escape in the third degree.** (1) A person commits the crime of escape in the third degree if the person escapes from custody.

(2) It is a defense to a prosecution under this section that the person escaping or attempting to escape was in custody pursuant to an illegal arrest.

(3) Escape in the third degree is a Class A misdemeanor. [1971 c.743 §190]

**162.150** [Repealed by 1971 c.743 §432]

**162.155 Escape in the second degree.**

(1) A person commits the crime of escape in the second degree if:

(a) The person uses or threatens to use physical force escaping from custody; or

(b) Having been convicted or found guilty of a felony, the person escapes from custody imposed as a result thereof; or

(c) The person escapes from a correctional facility; or

(d) While under the jurisdiction of the Psychiatric Security Review Board under ORS 161.315 to 161.351, the person departs, is absent from or fails to return to this state without authorization of the board.

(2) Escape in the second degree is a Class C felony. [1971 c.743 §191; 1983 c.800 §13; 1985 c.192 §1; 2011 c.708 §22; 2017 c.442 §21]

**Note:** The amendments to 162.155 by section 21, chapter 442, Oregon Laws 2017, become operative July 1, 2018. See section 36, chapter 442, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user's convenience.

**162.155.** (1) A person commits the crime of escape in the second degree if:

(a) The person uses or threatens to use physical force escaping from custody; or

(b) Having been convicted or found guilty of a felony, the person escapes from custody imposed as a result thereof; or

(c) The person escapes from a correctional facility; or

(d) While under the jurisdiction of the Psychiatric Security Review Board or under the jurisdiction of the Oregon Health Authority under ORS 161.315 to 161.351, the person departs, is absent from or fails to return to this state without authorization of the board.

(2) Escape in the second degree is a Class C felony.

**162.160** [Repealed by 1971 c.743 §432]

**162.165 Escape in the first degree.**

(1) A person commits the crime of escape in the first degree if:

(a) Aided by another person actually present, the person uses or threatens to use physical force in escaping from custody or a correctional facility; or

(b) The person uses or threatens to use a dangerous or deadly weapon escaping from custody or a correctional facility.

(2) Escape in the first degree is a Class B felony. [1971 c.743 §192]

**162.175 Unauthorized departure.** (1) A person commits the crime of unauthorized departure if:

(a) The person makes an unauthorized departure; or

(b) Not being an inmate therein, the person aids another in making or attempting to make an unauthorized departure.

(2) Unauthorized departure is a Class A misdemeanor. [1971 c.743 §193; 1983 c.815 §8; 1989 c.790 §54]

**162.185 Supplying contraband.** (1) A person commits the crime of supplying contraband if:

(a) The person knowingly introduces any contraband into a correctional facility, youth correction facility or state hospital; or

(b) Being confined in a correctional facility, youth correction facility or state hospital, the person knowingly makes, obtains or possesses any contraband.

(2) Supplying contraband is a Class C felony. [1971 c.743 §194; 1983 c.815 §9; 1997 c.249 §48]

**162.193 Failure to appear; counsel for defendant cannot be witness; exception.**

In no prosecution under ORS 162.195 or 162.205 shall counsel representing the defendant on the underlying charge for which the defendant is alleged to have failed to appear be called to testify by the state as a witness against the defendant at any stage of the proceedings including, but not limited to, grand jury, preliminary hearing and trial. However, upon written motion by the state, and upon hearing the matter, if the court determines that no other reasonably adequate means exists to present evidence establishing the material elements of the charge, the counsel representing the defendant may be called to testify. [1989 c.759 §2]

**162.195 Failure to appear in the second degree.**

(1) A person commits the crime of failure to appear in the second degree if the person knowingly fails to appear as required after:

(a) Having by court order been released from custody or a correctional facility under a release agreement or security release upon the condition that the person will subsequently appear personally in connection with a charge against the person of having committed a misdemeanor; or

(b) Having been released from a correctional facility subject to a forced release agreement under ORS 169.046 in connection with a charge against the person of having committed a misdemeanor.

(2) Failure to appear in the second degree is a Class A misdemeanor. [1971 c.743 §195; 1973 c.836 §343; 1993 c.533 §5; 1999 c.1051 §69; 2001 c.517 §3; 2003 c.320 §1]

**162.205 Failure to appear in the first degree.**

(1) A person commits the crime of failure to appear in the first degree if the person knowingly fails to appear as required after:

(a) Having by court order been released from custody or a correctional facility under a release agreement or security release upon

the condition that the person will subsequently appear personally in connection with a charge against the person of having committed a felony; or

(b) Having been released from a correctional facility subject to a forced release agreement under ORS 169.046 in connection with a charge against the person of having committed a felony.

(2) Failure to appear in the first degree is a Class C felony. [1971 c.743 §196; 1973 c.836 §344; 2001 c.517 §4; 2003 c.320 §2]

**162.210** [Repealed by 1971 c.743 §432]

**162.220** [Repealed by 1971 c.743 §432]

### OBSTRUCTING GOVERNMENTAL ADMINISTRATION

**162.225 Definitions for ORS 162.225 to 162.375.** As used in ORS 162.225 to 162.375 and 162.465, unless the context requires otherwise:

(1) “Firefighter” means any fire or forestry department employee, or authorized fire department volunteer, vested with the duty of preventing or combating fire or preventing the loss of life or property by fire.

(2) “Official proceeding” means a proceeding before any judicial, legislative or administrative body or officer, wherein sworn statements are received, and includes any referee, hearing examiner, commissioner, notary or other person taking sworn statements in connection with such proceedings.

(3) “Physical evidence” means any article, object, record, document or other evidence of physical substance.

(4) “Public record” means any book, document, paper, file, photograph, sound recording, computerized recording in machine storage, records or other materials, regardless of physical form or characteristic, made, received, filed or recorded in any government office or agency pursuant to law or in connection with the transaction of public business, whether or not confidential or restricted in use.

(5) “Testimony” means oral or written statements that may be offered by a witness in an official proceeding. [1971 c.743 §197; 1991 c.67 §34]

**162.230** [Repealed by 1971 c.743 §432]

**162.235 Obstructing governmental or judicial administration.** (1) A person commits the crime of obstructing governmental or judicial administration if the person:

(a) Intentionally obstructs, impairs or hinders the administration of law or other governmental or judicial function by means of intimidation, force, physical or economic interference or obstacle;

(b) With intent to defraud, engages in the business of or acts in the capacity of a notary public as defined in ORS 194.215 without having received a commission as a notary public from the Secretary of State; or

(c) With intent to defraud, engages in the business of or acts in the capacity of an immigration consultant, as defined in ORS 9.280, in violation of ORS 9.160.

(2) This section shall not apply to the obstruction of unlawful governmental or judicial action or interference with the making of an arrest.

(3) Obstructing governmental or judicial administration is a Class A misdemeanor. [1971 c.743 §198; 1981 c.902 §1; 2016 c.47 §1]

**162.240** [Repealed by 1971 c.743 §432]

**162.245 Refusing to assist a peace officer.** (1) A person commits the offense of refusing to assist a peace officer if upon command by a person known by the person to be a peace officer the person unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime.

(2) Refusing to assist a peace officer is a Class B violation. [1971 c.743 §199; 1999 c.1051 §150]

**162.247 Interfering with a peace officer or parole and probation officer.** (1) A person commits the crime of interfering with a peace officer or parole and probation officer if the person, knowing that another person is a peace officer or a parole and probation officer as defined in ORS 181A.355:

(a) Intentionally acts in a manner that prevents, or attempts to prevent, a peace officer or parole and probation officer from performing the lawful duties of the officer with regards to another person; or

(b) Refuses to obey a lawful order by the peace officer or parole and probation officer.

(2) Interfering with a peace officer or parole and probation officer is a Class A misdemeanor.

(3) This section does not apply in situations in which the person is engaging in:

(a) Activity that would constitute resisting arrest under ORS 162.315; or

(b) Passive resistance. [1997 c.719 §1; 1999 c.1040 §7; 2005 c.668 §1]

**Note:** 162.247 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 162 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**162.255 Refusing to assist in fire-fighting operations.** (1) A person commits the offense of refusing to assist in fire-fighting operations if:

(a) Upon command by a person known by the person to be a firefighter the person un-

reasonably refuses or fails to assist in extinguishing a fire or protecting property threatened thereby; or

(b) Upon command by a person known by the person to be a firefighter or peace officer the person intentionally and unreasonably disobeys a lawful order relating to the conduct of the person in the vicinity of a fire.

(2) Subsection (1) of this section does not apply to a person working for a news organization if the person is reporting on the fire and the person does not unreasonably interfere with fire-fighting operations.

(3) Refusing to assist in fire-fighting operations is a Class B violation. [1971 c.743 §200; 1991 c.67 §35; 1999 c.1051 §151; 2005 c.626 §1]

**162.257 Interfering with a firefighter or emergency medical services provider.**

(1) A person commits the crime of interfering with a firefighter or emergency medical services provider if the person, knowing that another person is a firefighter or emergency medical services provider, intentionally acts in a manner that prevents, or attempts to prevent, a firefighter or emergency medical services provider from performing the lawful duties of the firefighter or emergency medical services provider.

(2) Interfering with a firefighter or emergency medical services provider is a Class A misdemeanor.

(3) As used in this section, “emergency medical services provider” has the meaning given that term in ORS 682.025. [2003 c.529 §2; 2011 c.703 §26]

**162.265 Bribing a witness.** (1) A person commits the crime of bribing a witness if the person offers, confers or agrees to confer any pecuniary benefit upon a witness in any official proceeding, or a person the person believes may be called as a witness, with the intent that:

(a) The testimony of the person as a witness will thereby be influenced; or

(b) The person will avoid legal process summoning the person to testify; or

(c) The person will be absent from any official proceeding to which the person has been legally summoned.

(2) Bribing a witness is a Class C felony. [1971 c.743 §201]

**162.275 Bribe receiving by a witness.**

(1) A witness in any official proceeding, or a person who believes the person may be called as a witness, commits the crime of bribe receiving by a witness if the person solicits any pecuniary benefit with the intent, or accepts or agrees to accept any pecuniary ben-

efit upon an agreement or understanding, that:

(a) The testimony of the person as a witness will thereby be influenced; or

(b) The person will avoid legal process summoning the person to testify; or

(c) The person will be absent from any official proceeding to which the person has been legally summoned.

(2) Bribe receiving by a witness is a Class C felony. [1971 c.743 §202]

**162.285 Tampering with a witness.** (1)

A person commits the crime of tampering with a witness if:

(a) The person knowingly induces or attempts to induce a witness or a person the person believes may be called as a witness in any official proceeding to offer false testimony or unlawfully withhold any testimony; or

(b) The person knowingly induces or attempts to induce a witness to be absent from any official proceeding to which the person has been legally summoned.

(2) Tampering with a witness is a Class C felony. [1971 c.743 §203; 1979 c.231 §1]

**162.295 Tampering with physical evidence.** (1)

A person commits the crime of tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person:

(a) Destroys, mutilates, alters, conceals or removes physical evidence impairing its verity or availability; or

(b) Knowingly makes, produces or offers any false physical evidence; or

(c) Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

(2) Tampering with physical evidence is a Class A misdemeanor. [1971 c.743 §204]

**162.305 Tampering with public records.** (1)

A person commits the crime of tampering with public records if, without lawful authority, the person knowingly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, including records relating to the Oregon State Lottery.

(2)(a) Except as provided in paragraph (b) of this subsection, tampering with public records is a Class A misdemeanor.

(b) Tampering with records relating to the Oregon State Lottery is a Class C felony. [1971 c.743 §205; 1991 c.962 §16]

**162.310** [Repealed by 1971 c.743 §432]



**162.315 Resisting arrest.** (1) A person commits the crime of resisting arrest if the person intentionally resists a person known by the person to be a peace officer or parole and probation officer in making an arrest.

(2) As used in this section:

(a) "Arrest" has the meaning given that term in ORS 133.005 and includes, but is not limited to, the booking process.

(b) "Parole and probation officer" has the meaning given that term in ORS 181A.355.

(c) "Resists" means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person and includes, but is not limited to, behavior clearly intended to prevent being taken into custody by overcoming the actions of the arresting officer. The behavior does not have to result in actual physical injury to an officer. Passive resistance does not constitute behavior intended to prevent being taken into custody.

(3) It is no defense to a prosecution under this section that the peace officer or parole and probation officer lacked legal authority to make the arrest or book the person, provided the officer was acting under color of official authority.

(4) Resisting arrest is a Class A misdemeanor. [1971 c.743 §206; 1989 c.877 §1; 1997 c.749 §3; 2005 c.668 §2]

**162.320** [Repealed by 1971 c.743 §432]

**162.322** [1961 c.649 §1; repealed by 1971 c.743 §432]

**162.324** [1961 c.649 §2; repealed by 1971 c.743 §432]

**162.325 Hindering prosecution.** (1) A person commits the crime of hindering prosecution if, with intent to hinder the apprehension, prosecution, conviction or punishment of a person who has committed a crime punishable as a felony, or with the intent to assist a person who has committed a crime punishable as a felony in profiting or benefiting from the commission of the crime, the person:

(a) Harbors or conceals such person; or

(b) Warns such person of impending discovery or apprehension; or

(c) Provides or aids in providing such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or

(d) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person; or

(e) Suppresses by any act of concealment, alteration or destruction physical evidence which might aid in the discovery or apprehension of such person; or

(f) Aids such person in securing or protecting the proceeds of the crime.

(2) Hindering prosecution is a Class C felony. [1971 c.743 §207]

**162.326** [1961 c.649 §3; repealed by 1971 c.743 §432]

**162.330** [Amended by 1961 c.649 §4; repealed by 1971 c.743 §432]

**162.335 Compounding.** (1) A person commits the crime of compounding if the person accepts or agrees to accept any pecuniary benefit as consideration for refraining from reporting to law enforcement authorities the commission or suspected commission of any felony or information relating to a felony.

(2) Compounding is a Class A misdemeanor. [1971 c.743 §208]

**162.340** [Amended by 1955 c.660 §21; 1961 c.649 §5; repealed by 1971 c.743 §432]

**162.345 Defenses for hindering or compounding limited.** It is no defense to a prosecution for hindering prosecution or compounding that the principal offender is not apprehended, prosecuted, convicted or punished. [1971 c.743 §209]

**162.350** [Amended by 1955 c.660 §22; repealed by 1961 c.649 §9]

**162.355 Simulating legal process.** (1) A person commits the crime of simulating legal process if, with the intent to harass, injure or defraud another person, the person knowingly issues or delivers to another person any document that in form and substance falsely simulates civil or criminal process.

(2) As used in this section:

(a) "Civil or criminal process" means a document or order, including, but not limited to, a summons, lien, complaint, warrant, injunction, writ, notice, pleading or subpoena, that is issued by a court or that is filed or recorded for the purpose of:

(A) Exercising jurisdiction;

(B) Representing a claim against a person or property;

(C) Directing a person to appear before a court or tribunal; or

(D) Directing a person to perform or refrain from performing a specified act.

(b) "Person" has the meaning given that term in ORS 161.015, except that in relation to a defendant, "person" means a human being, a public or private corporation, an unincorporated association or a partnership.

(3) Simulating legal process is a Class C felony. [1971 c.743 §210; 1997 c.395 §1; 2005 c.2 §1]

**162.360** [Repealed by 1961 c.649 §9]

**162.365 Criminal impersonation of a public servant.** (1) A person commits the crime of criminal impersonation of a public servant if, with intent to obtain a benefit, to injure or defraud another or to facilitate an unlawful activity, the person does an act in the assumed character of a public servant.

(2) It is no defense to a prosecution under this section that:

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

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

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

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

(4) For the purposes of this section, “public servant” includes an active member or veteran of the Armed Forces of the United States. [1971 c.743 §211; 1993 c.243 §1; 1997 c.395 §2; 2003 c.577 §12; 2007 c.510 §1; 2016 c.22 §3]

**162.367 Criminal impersonation of a peace officer.** (1) A person commits the crime of criminal impersonation of a peace officer if the person, with the intent to obtain a benefit or to injure or defraud another person, uses false law enforcement identification or wears a law enforcement uniform to give the impression that the person is a peace officer and does an act in that assumed character.

(2) Criminal impersonation of a peace officer is a Class C felony.

(3) As used in this section:

(a) “False law enforcement identification” means a badge or an identification card that:

(A) Identifies the possessor of the badge or card as a member of a law enforcement unit; and

(B) Was not lawfully issued to the possessor by the law enforcement unit.

(b) “Law enforcement uniform” means clothing bearing words such as “police,” “sheriff,” “state trooper” or “law enforcement,” or clothing that is an official uniform or substantially similar to an official uniform of a law enforcement unit that would make it reasonably likely that a person would be-

lieve that the wearer is a peace officer. [1993 c.243 §2; 2005 c.259 §1]

**Note:** 162.367 and 162.369 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 162 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**162.369 Possession of a false law enforcement identification card.** (1) A person commits the crime of possession of a false law enforcement identification card if the person possesses a false law enforcement identification card.

(2) Possession of a false law enforcement identification card is a Class A misdemeanor.

(3) As used in this section, “false law enforcement identification card” means an identification card that:

(a) Identifies the possessor of the card as a member of a law enforcement unit; and

(b) Was not lawfully issued to the possessor by the law enforcement unit. [1993 c.243 §3]

**Note:** See note under 162.367.

**162.370** [Repealed by 1961 c.649 §9]

**162.375 Initiating a false report.** (1) A person commits the crime of initiating a false report if the person knowingly initiates a false alarm or report that is transmitted to a fire department, law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(2) Initiating a false report is a Class A misdemeanor.

(3)(a) The court shall include in the sentence of any person convicted under this section a requirement that the person repay the costs incurred in responding to and investigating the false report.

(b) If the response to the false report involved the deployment of a law enforcement special weapons and tactics (SWAT) team or a similar law enforcement group, the court shall impose, and may not suspend, a term of incarceration of at least 10 days. [1971 c.743 §212; 2013 c.490 §1; 2015 c.751 §2]

**162.380** [Amended by 1953 c.531 §2; 1955 c.660 §23; repealed by 1971 c.743 §432]

**162.385 Giving false information to a peace officer in connection with a citation or warrant.** (1) A person commits the crime of giving false information to a peace officer in connection with a citation or warrant if the person knowingly uses or gives a false or fictitious name, address or date of birth to any peace officer when:

(a) The peace officer is issuing or serving the person a citation under authority of ORS 133.055 to 133.076 or ORS chapter 153; or

(b) There is an outstanding warrant for the person's arrest.

(2) Giving false information to a peace officer in connection with a citation or warrant is a Class A misdemeanor. [1983 c.661 §11; 1999 c.1051 §70; 2003 c.777 §1; 2007 c.771 §1; 2017 c.99 §1]

**Note:** 162.385 was added to and made a part of ORS chapter 133 by legislative action. It was not added to ORS chapter 162 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**162.390** [Amended by 1955 c.660 §24; repealed by 1961 c.649 §9]

**162.400** [Repealed by 1971 c.743 §432]

### ABUSE OF PUBLIC OFFICE

**162.405 Official misconduct in the second degree.** (1) A public servant commits the crime of official misconduct in the second degree if the person knowingly violates any statute relating to the office of the person.

(2) Official misconduct in the second degree is a Class C misdemeanor. [1971 c.743 §214]

**162.410** [Repealed by 1961 c.649 §9]

**162.415 Official misconduct in the first degree.** (1) A public servant commits the crime of official misconduct in the first degree if:

(a) With intent to obtain a benefit or to harm another:

(A) The public servant knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office; or

(B) The public servant knowingly performs an act constituting an unauthorized exercise in official duties; or

(b) The public servant, while acting as a supervisory employee, violates ORS 162.405 and is aware of and consciously disregards the fact that the violation creates a risk of:

(A) Physical injury to a vulnerable person;

(B) The commission of a sex crime as defined in ORS 163A.005 against a vulnerable person; or

(C) The withholding from a vulnerable person of necessary and adequate food, physical care or medical attention.

(2) Official misconduct in the first degree is a Class A misdemeanor.

(3) As used in this section:

(a) "Supervisory employee" means a person having the authority, in the interest of an employer, to hire, transfer, suspend, lay

off, recall, promote, discharge, assign, reward or discipline other employees.

(b) "Vulnerable person" has the meaning given that term in ORS 136.427. [1971 c.743 §215; 2017 c.519 §1]

**162.420** [Repealed by 1961 c.649 §9]

**162.425 Misuse of confidential information.** (1) A public servant commits the crime of misuse of confidential information if in contemplation of official action by the public servant or by a governmental unit with which the public servant is associated, or in reliance on information to which the public servant has access in an official capacity and which has not been made public, the public servant acquires or aids another in acquiring a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action.

(2) Misuse of confidential information is a Class B misdemeanor. [1971 c.743 §216]

**162.430** [Amended by 1961 c.649 §6; repealed by 1971 c.743 §432]

**162.440** [Amended by 1961 c.649 §7; repealed by 1971 c.743 §432]

**162.450** [1965 c.447 §§8,9; repealed by 1971 c.743 §432]

### INTERFERENCE WITH LEGISLATIVE OPERATIONS

**162.455 Interfering with legislative operations.** Any person not a member of the Legislative Assembly who engages in conduct in or near the legislative chambers of either house or in or near any meeting of a joint, standing, interim or special committee of either house, wherever held, with the intention of interrupting, disrupting or otherwise interfering with the orderly conduct of business therein, or who gains or seeks to gain access to the chambers or meeting in such manner shall be guilty of a misdemeanor. [1971 c.276 §1]

**162.465 Unlawful legislative lobbying.** (1) A person commits the crime of unlawful legislative lobbying if, having an interest in the passage or defeat of a measure being considered by either house of the Legislative Assembly of this state, as either an agent or principal, the person knowingly attempts to influence a member of the assembly in relation to the measure without first disclosing completely to the member the true interest of the person therein, or that of the principal of the person and the person's own agency therein.

(2) Unlawful legislative lobbying is a Class B misdemeanor. [1971 c.743 §213]

**162.510** [Repealed by 1971 c.743 §432]

**162.520** [Repealed by 1971 c.743 §432]

**162.530** [Repealed by 1971 c.743 §432]

**162.540** [Repealed by 1971 c.743 §432]

**162.550** [Repealed by 1971 c.743 §432]  
**162.560** [Repealed by 1971 c.743 §432]  
**162.570** [Repealed by 1971 c.743 §432]  
**162.580** [Repealed by 1971 c.743 §432]  
**162.590** [Repealed by 1971 c.743 §432]  
**162.600** [Repealed by 1971 c.743 §432]  
**162.610** [Repealed by 1971 c.743 §432]  
**162.620** [Repealed by 1971 c.743 §432]  
**162.630** [Repealed by 1971 c.743 §432]  
**162.640** [Repealed by 1971 c.743 §432]  
**162.650** [Repealed by 1971 c.743 §432]

**162.655** [Repealed by 1971 c.743 §432]  
**162.660** [Repealed by 1971 c.743 §432]  
**162.670** [Repealed by 1971 c.743 §432]  
**162.680** [Repealed by 1971 c.743 §432]  
**162.690** [Repealed by 1971 c.743 §432]  
**162.700** [Repealed by 1971 c.743 §432]  
**162.710** [Repealed by 1971 c.743 §432]  
**162.720** [Repealed by 1971 c.743 §432]  
**162.730** [Repealed by 1971 c.743 §432]  
**162.740** [Repealed by 1971 c.743 §432]

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