

**ORS 166.165 Intimidation
Oregon's Hate Crimes Law**

166.155 Intimidation in the Second Degree.

(1) A person commits the crime of intimidation in the second degree if the person:
 (a) Tampers or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, national origin or sexual orientation;
 (b) Intentionally subjects another to offensive physical contact because of the person's perception of the other's race, color, religion, national origin or sexual orientation; or
 (c) Intentionally, because of the person's perception of race, color, religion, national origin or sexual orientation of another or of a member of the other's family, subjects such other person to alarm by threatening:
 (A) To inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or
 (B) To cause substantial damage to the property of the other person or of a member of the other person's family.
 (2) Intimidation in the second degree is a Class A (3) misdemeanor.
 (3) For purposes of this section:
 (a) "Property" means any tangible personal property or real property.
 (b) "Sexual orientation" means heterosexuality, homosexuality or bisexuality.

166.165 Intimidation in the First Degree.

(1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons:
 (a)(A) Intentionally, knowingly or recklessly cause physical injury to another person because of the actors' perception of that person's race, color, religion, national origin or sexual orientation; or
 (B) With criminal negligence cause physical injury to another person by means of a deadly weapon because of the actors' perception of that person's race, color, religion, national origin or sexual orientation;
 (b) Intentionally, because of the actors' perception of another person's race, color, religion, national origin or sexual orientation, place another person in fear of imminent serious physical injury; or
 (c) Commit such acts as would constitute the crime of intimidation in the second degree, if undertaken by one person acting alone.
 (2) Intimidation in the first degree is a Class C felony.
 (3) "Sexual orientation" has the meaning given that term in ORS 166.155.

[1981 c.785 s.2; 1983 c.521 s.2; 1989 c.1029 s.2; 1993 c.332 s.1; 1995 c.79 s.53; 1997 c.249 s.50]

Hate Crime Resources

State of Oregon: (541) 378-5336

City of Prineville Police: (541) 447-4168

Crook County Victims Assistance:
(541) 447-4158

Anti-Bigotry Coalition: (503) 233-8577

Anti-Defamation League: (503) 284-9931

**Oregon Bureau of Labor
Civil Rights Division:**
(503) 731-4075



**HATE CRIME
RESOURCE GUIDE**

Case Information

Investigator: _____

Case # _____

Date/Time of Incident: _____

Notes: _____

**Prineville Police
Department**
 400 NE 3rd St.
 Prineville, OR 97754
 Phone: (541) 447-4168
www.prinevillepd.org



Why do we have Hate Crimes Legislation?

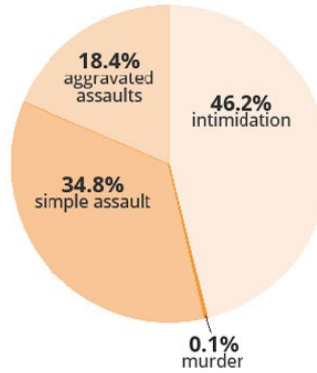
The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making members of minority communities fearful, angry, and suspicious of other groups – and the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities.

Hate crimes legislation recognizes that some crimes should be enhanced based on the motivation of the perpetrator. This is already seen in domestic violence and child abuse laws. There is a difference between a criminal who assaults an unsuspecting victim to steal their wallet and one that targets a victim based on the suspect's perception of the victim's race, color, religion, national origin or sexual orientation. When a person targets someone based on one of the above categories, they place everyone in that population in fear. Oregon's law of Intimidation is a separate charge that is applied when a criminal offense has already taken place.

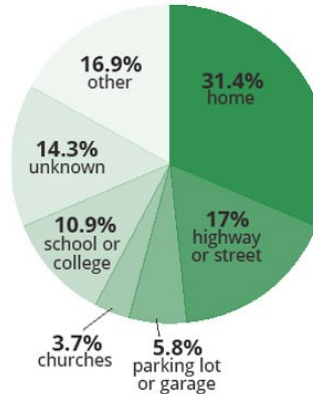


National hate crime statistics

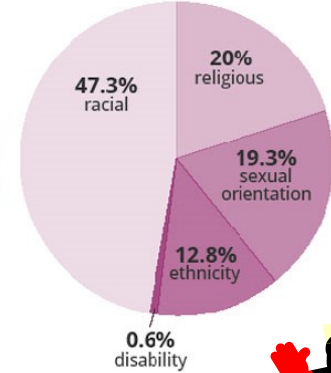
Types of hate crime offenses



Locations of hate crimes



Biases motivating hate crimes



* 2010 FBI Statistics



What is/is not a Hate Crime?

The mere mention of a biased remark does not necessarily make an incident bias-motivated, any more than the absence of such a remark makes the incident a non-biased one. Using derogatory or defaming language, although often inappropriate, is probably not unlawful. If a person is a member of a protected class, and feels they have been a victim of Intimidation, it is important to understand that law enforcement officers must use probable cause standards to determine if the perpetrator's actions were motivated by bias.

The perception of the victim is not sufficient to meet the burden of proof as required by law. In many cases, non-criminal bias incidents are best resolved in a civil court environment.