

House Bill 3935

Sponsored by Representatives EDWARDS, WRIGHT; Representatives EVANS, MANNIX, SKARLATOS, SMITH G, Senators MCLANE, SMITH DB, WEBER

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates new crimes about initiating a false report. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 79.3).

Creates the crime of initiating a false report in the first degree. Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both. Creates the crime of initiating a false report in the second degree. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both. Renames the crime of initiating a false report to initiating a false report in the third degree.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to initiating false reports; creating new provisions; amending ORS 162.375, 166.397 and
3 419C.236; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS 162.225**
6 **to 162.375.**

7 **SECTION 2. (1) A person commits the crime of initiating a false report in the first degree**
8 **if:**

9 (a) **The person knowingly initiates a false report that is transmitted to a fire department,**
10 **law enforcement agency or other organization that deals with emergencies involving danger**
11 **to life or property;**

12 (b) **A fire department, law enforcement agency or other organization that deals with**
13 **emergencies involving danger to life or property responds to the false report; and**

14 (c) **The response described in paragraph (b) of this subsection results in the death of any**
15 **person at the location that is the subject of the false report.**

16 (2) **Initiating a false report in the first degree is a Class B felony.**

17 (3) **The court shall include in the sentence of any person convicted under this section a**
18 **requirement that the person:**

19 (a) **Repay all costs incurred in responding to and investigating the false report and for**
20 **any property damage or personal injury resulting from the response to the false report; and**

21 (b) **Make restitution to any person who was physically injured or who suffered loss of or**
22 **damage to property as a result of the response to the false report.**

23 **SECTION 3. (1) A person commits the crime of initiating a false report in the second**
24 **degree if:**

25 (a) **The person knowingly initiates a false report that is transmitted to a fire department,**
26 **law enforcement agency or other organization that deals with emergencies involving danger**
27 **to life or property;**

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 (b) A fire department, law enforcement agency or other organization that deals with
 2 emergencies involving danger to life or property responds to the false report; and

3 (c)(A) The response described in paragraph (b) of this subsection results in a serious
 4 physical injury to or the death of any person;

5 (B) The false report pertains to, and the response described in paragraph (b) of this
 6 subsection results in harm to, a school or institution of higher education;

7 (C) The false report pertains to, and the response described in paragraph (b) of this
 8 subsection results in harm to, a public official; or

9 (D) The false report pertains to, and the response described in paragraph (b) of this
 10 subsection results in harm to, a church, synagogue, temple, mosque, chapel, meeting house
 11 or other place of worship.

12 (2) Initiating a false report in the second degree is a Class C felony.

13 (3) The court shall include in the sentence of any person convicted under this section a
 14 requirement that the person:

15 (a) Repay all costs incurred in responding to and investigating the false report and for
 16 any property damage or personal injury resulting from the response to the false report; and

17 (b) Make restitution to any person who was physically injured or who suffered loss of or
 18 damage to property as a result of the response to the false report.

19 (4) As used in this section:

20 (a)(A) With respect to a person, "harm" means physical injury, financial loss or the
 21 instillment of alarm, panic or fear.

22 (B) With respect to a location, "harm" means property damage, evacuation, closure or
 23 the instillment of alarm, panic or fear in, or causing physical injury or financial loss to, one
 24 or more persons within the location.

25 (b) "Institution of higher education" has the meaning given that term in ORS 163A.005.

26 **SECTION 4.** ORS 162.375 is amended to read:

27 162.375. (1) A person commits the crime of initiating a false report **in the third degree** if the
 28 person knowingly initiates a false alarm or report that is transmitted to a fire department, law
 29 enforcement agency or other organization that deals with emergencies involving danger to life or
 30 property.

31 (2) Initiating a false report **in the third degree** is a Class A misdemeanor.

32 (3)(a) The court shall include in the sentence of any person convicted under this section a re-
 33 quirement that the person:

34 (A) Repay the costs incurred in responding to and investigating the false report; **and**

35 (B) **Make restitution to any person who was physically injured or who suffered loss of**
 36 **or damage to property as a result of the response to the false report.**

37 (b) If the response to the false report involved the deployment of a law enforcement special
 38 weapons and tactics (SWAT) team or a similar law enforcement group, the court shall impose, and
 39 may not suspend, a term of incarceration of[:]

40 [(A)] at least 10 days.

41 [(B) *At least 30 days if the deployment resulted in death or serious physical injury to another*
 42 *person.*]

43 **SECTION 5.** ORS 419C.236 is amended to read:

44 419C.236. (1) A formal accountability agreement may require participation in or referral to
 45 counseling, a period of community service, drug or alcohol education or treatment, vocational

1 training or any other legal activity which in the opinion of the counselor would be beneficial to the
 2 youth.

3 (2) A formal accountability agreement may require that the youth make restitution to any per-
 4 son who was physically injured or who suffered loss of or damage to property as a result of the
 5 conduct alleged. Before setting the amount of restitution, the juvenile department shall consult with
 6 the victim concerning the amount of damage. Restitution does not limit or impair the right of a
 7 victim to sue in a civil action for damages suffered, nor shall the fact of consultation by the victim
 8 be admissible in such civil action to prove consent or agreement by the victim. However, the court
 9 shall credit any restitution paid by the youth to a victim against any judgment in favor of the victim
 10 in such civil action.

11 **(3) A formal accountability agreement may require that the youth repay any costs in-**
 12 **curring in responding to and investigating a false report when the juvenile department has**
 13 **probable cause to believe that the youth may be found to be within the jurisdiction of the**
 14 **juvenile court for an act that, if committed by an adult, would constitute a violation of ORS**
 15 **162.375 or section 2 or 3 of this 2025 Act.**

16 **SECTION 6.** ORS 166.397 is amended to read:

17 166.397. (1)(a) A person who owns, possesses or controls a firearm shall report the loss or theft
 18 of the firearm to a law enforcement agency in the jurisdiction in which the loss or theft occurred
 19 as soon as practicable but not later than within 72 hours of the time the person knew or reasonably
 20 should have known of the loss or theft.

21 (b) If a means of reporting a loss or theft of a firearm within 72 hours is not reasonably avail-
 22 able, the person who owned, possessed or controlled the firearm that was lost or stolen must report
 23 the loss or theft within 24 hours of the means of reporting becoming available.

24 (c) A person may include the serial number of the firearm in a report under this subsection.

25 (2)(a) A violation of subsection (1) of this section is a Class B violation.

26 (b) Each firearm for which a person does not make the report within the time required by sub-
 27 section (1) of this section constitutes a separate violation.

28 (c) A person who knowingly provides false information in a report required by subsection (1) of
 29 this section commits the crime of initiating a false report **in the third degree** under ORS 162.375.

30 (3) If a lost or stolen firearm is used to injure a person or property and the person who owned,
 31 possessed or controlled the firearm at the time of the loss or theft did not report the loss or theft
 32 as required by subsection (1) of this section, in an action against the person who owned, possessed
 33 or controlled the firearm at the time of the loss or theft to recover damages for the injury, the vi-
 34 olation constitutes negligence per se for two years from the expiration of the time limit for reporting
 35 or until the loss or theft report is made, whichever occurs sooner. The presumption of negligence
 36 may not be overcome by a showing that the person acted reasonably.

37 (4) Subsection (3) of this section does not apply if the injury results from a lawful act of self-
 38 defense or defense of another person.

39 (5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law enforce-
 40 ment agency shall create a record concerning the lost or stolen firearm in the Law Enforcement
 41 Data System or another electronic database as determined by the Department of State Police.

42 (b) A law enforcement agency is exempt from the obligation described in paragraph (a) of this
 43 subsection if the agency is unable to create a record concerning the lost or stolen firearm in the
 44 electronic database due to insufficient information.

45 (c) The department may adopt rules to carry out the provisions of this subsection.

1 **SECTION 7.** This 2025 Act takes effect on the 91st day after the date on which the 2025
2 regular session of the Eighty-third Legislative Assembly adjourns sine die.
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