

## What is considered a bias crime in Oregon?

(Note: This is current as of June 13, 2019. The Oregon State Legislature is working to pass a reform law that will expand the state's bias crimes laws.)

In Oregon, intimidation in the first degree and intimidation in the second degree are the laws that make up the state's bias crime statutes. Under the state's intimidation laws, a person's race, color, religion, sexual orientation, disability or national origin are protected.

## What is the difference between intimidation in the first degree and intimidation in the second degree?

Intimidation in the first degree is a Class C felony. Intimidation in the second degree is a Class A misdemeanor.

Intimidation in the first degree requires two or more people, who are acting together, to intentionally, knowingly or recklessly cause physical injury to another person; and/or to intentionally place another person in fear of imminent serious physical injury; and/or, with criminal negligence, cause physical injury to another person by means of a deadly weapon because of the actors' perception of the victim's race, color, religion, sexual orientation, disability or national origin.

(See next page)



Intimidation in the second degree occurs when only *one person* tampers and/or interferes with the victim's property and has intent to cause substantial inconvenience to the victim; and/or intentionally subjects the victim to offensive physical contact; and/or intentionally subjects the victim, or a family member, to alarm by threatening to inflict serious physical injury and/or to cause substantial damage to the property of the other person or family member based on the defendant's perception of the race, color, religion, sexual orientation, disability or national origin of the other person.

## Is it a bias crime if someone uses homophobic, transphobic or any other hateful language toward me?

First, if this happens to you, we're deeply sorry. No one should ever be subjected to hate speech. You can, and should, report the incident to law enforcement so it can be documented and investigated.

If the person used harmful and bigoted language but took no other action, then this *potentially* may not be considered a bias crime under Oregon law in and of itself.

Keep in mind: the words used, and the totality of each individual situation, is always considered when making a legal determination on whether or not to file criminal charges.

This is why it's important to call law enforcement by dialing 9-1-1 any time you feel unsafe or are subjected to unwanted behavior or comments. There are other laws that may be applicable to your situation.

The First Amendment of the U.S. Constitution protects speech no matter how offensive, thus prohibiting the criminalization of someone's prejudicial beliefs.

# BIAS CRIMES AGAINST **LGBTQIA** MEMBERS OF OUR COMMUNITY



ROD UNDERHILL  
District Attorney  
Multnomah County, OR

503-988-3162

## VICTIMS' ASSISTANCE PROGRAM

1021 SW 4th Ave., Room 804  
Portland, OR 97204

503-988-3222  
[www.mcda.us](http://www.mcda.us)

*Every victim, every crime,  
every right, every time.*

A crime committed against a person because of who they are or who they love cannot be tolerated.

Everyone in our community deserves the right to feel welcomed and safe; to live and love without the fear of being targeted because they are lesbian, gay, bisexual, transgender, or queer.

The Multnomah County District Attorney's Office has a proud history of being advocates of the LGBTQIA and gender nonconforming members of our community.

It is unfortunate that incidents of discrimination still occur in Multnomah County, which prides itself on having many organizations that create safe spaces for LGBTQIA community members and their families.

The Multnomah County District Attorney's Office recognizes that there can be a fear of reporting a potential bias crime to law enforcement for various reasons, and we want to help change that.

The District Attorney's Office wants you to know that we stand in solidarity with you.

If you believe you are the victim of a bias crime, please contact law enforcement or our office at 503.988.3162 so we can listen and help. Our District Attorney Investigators may be able to assist with filing police reports and can conduct investigative follow up. Our Victim Advocates can be present when you speak with law enforcement and can answer any questions about the criminal justice process and can provide community-based and culturally-specific LGBTQIA resources.

**In the event of an emergency, such as an in-progress crime, call 9-1-1.**



## Victim Rights Law Center

Are you a trans survivor of sexual assault in need of help with gender marker changes?

The Victim Rights Law Center can provide free and confidential assistance statewide to transgender victims of sexual assault who are seeking gender marker changes on legal documents.

The organization can also help explore your options for changing other documents as needed.

Please note: Filing fee assistance may be available.

For more information, call Ryan Newby, the head of the Trans ID Project, at 503.274.5477, ext. 5



Do you know...

...that as of PRIDE 2019, it *appears* the Oregon State Legislature may pass a bias crimes reform act that would rename the offense of "intimidation" to "bias crime," add gender identity to the list of protected categories and remove the requirement that requires two or more people commit the crime in order to make it a felony.

...that the Multnomah County District Attorney's Office was an active participant of the Oregon Attorney General's Hate Crimes Task Force and helped draft the language that is in the Senate Bill 577, and that the Multnomah County District Attorney's Office supports the passage of this legislation.

... that all potential bias crime cases, whether they are a felony or misdemeanor, are reviewed by our Violent Crimes Unit, which has some of our most experienced prosecutors. If a misdemeanor bias crimes case is issued, the felony-level attorney will retain the case.

...that the DA's Office has conducted trainings on bias crimes and inclusiveness to ensure all staff are able to assist members of our LGBTQIA community.

## Important Phone Numbers

Multnomah County District Attorney's Office  
503.988.3162

Multnomah County District Attorney's Office – Victim Assistance Program  
503.988.3222

Multnomah County Non-Emergency Phone Number  
503.823.3333

Emergency: 9-1-1



## Community-based resources

Basic Rights Oregon – 503.222.6151

CAP (Cascade AIDS Project) – 503.223.5907

New Avenues for Youth – Sexual & Gender Minority Youth Resource Center -  
503.224.4339

Northwest Gender Alliance – 503.997.8499

OGALLA (Oregon Gay and Lesbian Law Association) - Email only: [info@ogalla.org](mailto:info@ogalla.org)

PFLAG Portland (Parents, Families, and Friends of Lesbians and Gays) – 503.232.7676

Q Center – 503.234.7837