



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Oregon Fact Sheet

Obstructing Government or Judicial Administration

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Oregon's relevant law.

O.R.S. § 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.

Relevant Definitions



O.R.S. § 165.075 Definitions

“Government” means the state, any political subdivision thereof, or any governmental instrumentality within the state.

Penalties

O.R.S. § 161.615 Sentences for Misdemeanors

Classified as a Class A misdemeanor and carries with it up to 364 days imprisonment

O.R.S. § 161.635 Misdemeanors; fines

\$6,250 maximum fine

Summary

A person obstructs government administration if he/she intentionally obstructs, impairs or hinders the administration of law by means of intimidation, force, physical or economic interference or obstacle. “Government” includes any state or political subdivision or any governmental instrumentality within the state.” If convicted, a person faces up to 364 days imprisonment and a \$6,250 maximum fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Oregon’s Revised Statutes, § 162.235, prohibits obstruction of governmental administration. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to Dr. X, the Secretary of Health for Oregon, threatening to come to her home and show your opposition to the State’s mask requirement.] *This may constitute a violation of §162.235. If convicted, you face a fine of up to \$6,250 and imprisonment up to 364 days.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*