

Oregon Modernizes Anti-Stalking Laws, Expands Employee Leave Rights

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On April 4, 2024, Governor Tina Kotek signed HB 4156 to modernize and expand protections under Oregon's anti-stalking laws. The new law criminalizes newer forms of threatening and predatory conduct which have emerged with the technological advances of recent decades. The new law also impacts Oregon employers by expanding employees' access to paid and unpaid safe leave benefits.

It has long been a crime in Oregon to cause someone reasonable apprehension about their personal safety by knowingly alarming or coercing that person through repeated and unwanted contact. The term "repeated and unwanted contact" was generally defined to include only instances of direct physical presence (e.g., following a victim or lying in wait outside their homes and schools), or unwanted communications. That definition reflected traditional concepts of stalking behavior but failed to address newer forms of bad conduct, including, for example, forms of online harassment and the theft or misappropriation of a victim's personal information.

House Bill 4156 aims to strengthen Oregon's anti-stalking protections against these newer forms of criminal conduct. Specifically, the new law amends the definition of repeated or unwanted "contact" to include misappropriating a victim's personal identification; disclosing intimate or sexual images of someone without their consent (so-called "revenge porn"); using electronic means to monitor or interfere with a victim's communications or activities; or causing others to harass, humiliate or injure the victim by disclosing names, images or personal information (aka "doxxing").

Oregon employers should know that the modernization of Oregon's anti-stalking laws indirectly expands already-existing obligations to provide their employees with certain safe leave benefits. Specifically, under ORS 659A.272, Oregon employers with six or more employees must allow their employees "reasonable leave from employment" for purposes such as seeking legal or law enforcement assistance to ensure their health and safety from stalkers, obtaining medical treatment or recovering from stalking-related injuries, and receiving counseling from a licensed mental health professional.

Similarly, under the new Paid Leave Oregon program, employers with one or more employees must also allow up to 12 weeks of paid leave to eligible employees for specified purposes, including safe

leave for those victimized by stalking crimes. Beginning July 1, 2024, these paid leave protections will supplant prior unpaid leave benefits which for years had been available under the Oregon Family and Medical Leave Act ("OFLA").

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