

SENATE AMENDMENTS TO SENATE BILL 984

By COMMITTEE ON RULES

June 23

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and delete line 3
2 and insert “163.095, 163.160 and 163.185.”

3 Delete lines 5 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 163.095 is amended to read:

5 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’ means murder as defined
6 in ORS 163.115 which is committed under, or accompanied by, any of the following circumstances:

7 “(1)(a) The defendant committed the murder pursuant to an agreement that the defendant re-
8 ceive money or other thing of value for committing the murder.

9 “(b) The defendant solicited another to commit the murder and paid or agreed to pay the person
10 money or other thing of value for committing the murder.

11 “(c) The defendant committed murder after having been convicted previously in any jurisdiction
12 of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115
13 or manslaughter in the first degree as defined in ORS 163.118.

14 “(d) There was more than one murder victim in the same criminal episode as defined in ORS
15 131.505.

16 “(e) The homicide occurred in the course of or as a result of intentional maiming or torture of
17 the victim.

18 “(f) The victim of the intentional homicide was a person under the age of 14 years.

19 “(2)(a) The victim was one of the following and the murder was related to the performance of
20 the victim’s official duties in the justice system:

21 “(A) A police officer as defined in ORS 181.610;

22 “(B) A correctional, parole and probation officer or other person charged with the duty of cus-
23 tody, control or supervision of convicted persons;

24 “(C) A member of the Oregon State Police;

25 “(D) A judicial officer as defined in ORS 1.210;

26 “(E) A juror or witness in a criminal proceeding;

27 “(F) An employee or officer of a court of justice; or

28 “(G) A member of the State Board of Parole and Post-Prison Supervision.

29 “(b) The defendant was confined in a state, county or municipal penal or correctional facility
30 or was otherwise in custody when the murder occurred.

31 “(c) The defendant committed murder by means of an explosive as defined in ORS 164.055.

32 “(d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed
33 the homicide under the circumstances set forth in ORS 163.115 (1)(b).

34 “(e) The murder was committed in an effort to conceal the commission of a crime, or to conceal
35 the identity of the perpetrator of a crime.

1 “(f) The murder was committed after the defendant had escaped from a state, county or munic-
2 ipal penal or correctional facility and before the defendant had been returned to the custody of the
3 facility.

4 “(g) **The defendant committed the murder knowing that the victim was pregnant.**

5 “**SECTION 2.** ORS 163.185 is amended to read:

6 “163.185. (1) A person commits the crime of assault in the first degree if the person:

7 “(a) Intentionally causes serious physical injury to another by means of a deadly or dangerous
8 weapon;

9 “(b) Intentionally or knowingly causes serious physical injury to a child under six years of age;
10 [or]

11 “(c) **Violates ORS 163.175 knowing that the victim is pregnant; or**

12 “[c] (d) Intentionally, knowingly or recklessly causes serious physical injury to another while
13 operating a motor vehicle under the influence of intoxicants in violation of ORS 813.010 and:

14 “(A) The person has at least three previous convictions for driving while under the influence
15 of intoxicants under ORS 813.010, or its statutory counterpart in any jurisdiction, in the 10 years
16 prior to the date of the current offense; or

17 “(B)(i) The person has a previous conviction for any of the crimes described in subsection (2)
18 of this section, or their statutory counterparts in any jurisdiction; and

19 “(ii) The victim’s death or serious physical injury in the previous conviction was caused by the
20 person driving a motor vehicle.

21 “(2) The previous convictions to which subsection [(1)(c)(B)] (1)(d)(B) of this section apply are:

22 “(a) Manslaughter in the first degree under ORS 163.118;

23 “(b) Manslaughter in the second degree under ORS 163.125;

24 “(c) Criminally negligent homicide under ORS 163.145;

25 “(d) Assault in the first degree under this section;

26 “(e) Assault in the second degree under ORS 163.175; or

27 “(f) Assault in the third degree under ORS 163.165.

28 “(3) Assault in the first degree is a Class A felony.

29 “(4) It is an affirmative defense to a prosecution under subsection [(1)(c)(B)] (1)(d)(B) of this
30 section that the defendant was not under the influence of intoxicants at the time of the conduct that
31 resulted in the previous conviction.

32 “**SECTION 3.** ORS 163.160 is amended to read:

33 “163.160. (1) A person commits the crime of assault in the fourth degree if the person:

34 “(a) Intentionally, knowingly or recklessly causes physical injury to another; or

35 “(b) With criminal negligence causes physical injury to another by means of a deadly weapon.

36 “(2) Assault in the fourth degree is a Class A misdemeanor.

37 “(3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C
38 felony if the person commits the crime of assault in the fourth degree and:

39 “(a) The person has previously been convicted of assaulting the same victim;

40 “(b) The person has previously been convicted at least three times under this section or under
41 equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined
42 in ORS 135.230; [or]

43 “(c) The assault is committed in the immediate presence of, or is witnessed by, the person’s or
44 the victim’s minor child or stepchild or a minor child residing within the household of the person
45 or victim[.]; **or**

1 **“(d) The person commits the assault knowing that the victim is pregnant.”**

2 “(4) For the purposes of subsection (3) of this section, an assault is witnessed if the assault is
3 seen or directly perceived in any other manner by the child.

4 **“SECTION 4. The amendments to ORS 163.095, 163.160 and 163.185 by sections 1 to 3 of
5 this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.”.**

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