

## **SB 493 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Whitney Perez, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/16, 3/28

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#### **WHAT THE MEASURE DOES:**

Expands crime of assault in the fourth degree to cover criminally negligent conduct that causes serious physical injury to a vulnerable user of public way by means of a motor vehicle.

#### **ISSUES DISCUSSED:**

- Applicable mental state
- Intent is for this offense to be an A misdemeanor, although certain types of assault in the fourth degree are class C felonies
- Victim services

#### **EFFECT OF AMENDMENT:**

-1 Clarifies that offense is an A misdemeanor.

*REVENUE: No revenue impact*

*FISCAL: Minimal fiscal impact*

#### **BACKGROUND:**

In Oregon, a person commits the crime of assault in the fourth degree when he or she intentionally, knowingly or recklessly causes physical injury to another person or causes physical injury to another person by means of a deadly weapon when the person acts with criminal negligence. Criminal negligence is when a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. This risk must be of such a nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

Senate Bill 493 includes within this crime, causing serious physical injury to another person who is a vulnerable user of a public way by means of a motor vehicle while acting with criminal negligence. This offense would be a class A misdemeanor. SB 493 defines a vulnerable user of a public way as a pedestrian, highway worker, a person riding an animal, or a person operating a bicycle, scooter, in-line skates, roller skates, farm tractor or implement of husbandry on a public way, crosswalk or shoulder of the highway.