

**A-Engrossed**  
**House Bill 2717**

Ordered by the House April 7  
Including House Amendments dated April 7

Sponsored by Representatives GORSEK, MCLAIN, Senator DEMBROW; Representatives BARKER, OLSON, POWER (at the request of ATU 757 and TriMet) (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Increases penalties for assault committed against **public transit** employee [*of mass transit district or transportation district*] if employee is assaulted while acting within scope of employment. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

**A BILL FOR AN ACT**

1  
2 Relating to assault in the third degree; amending ORS 163.165.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 163.165 is amended to read:

5 163.165. (1) A person commits the crime of assault in the third degree if the person:

6 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous  
7 weapon;

8 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-  
9 tremeness of indifference to the value of human life;

10 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-  
11 der circumstances manifesting extreme indifference to the value of human life;

12 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical  
13 injury to [*the operator of a public transit vehicle while the operator is in control of or operating the*  
14 *vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS*  
15 *166.116*] **a public transit employee while the employee is acting within the scope of employ-**  
16 **ment;**

17 (e) While being aided by another person actually present, intentionally or knowingly causes  
18 physical injury to another;

19 (f) While committed to a youth correction facility, intentionally or knowingly causes physical  
20 injury to another knowing the other person is a staff member while the other person is acting in the  
21 course of official duty;

22 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-  
23 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-  
24 forming official duties;

25 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child  
26 10 years of age or younger; or

27 (i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 injury to the operator of a taxi while the operator is in control of the taxi.

2 (2)(a) Assault in the third degree is a Class C felony.

3 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-  
4 section (1)(a) or (b) of this section is a Class B felony if:

5 (A) The assault resulted from the operation of a motor vehicle; and

6 (B) The defendant was the driver of the motor vehicle and was driving while under the influence  
7 of intoxicants.

8 (3) As used in this section:

9 (a) **“Public transit employee” means an employee of an entity that provides public**  
10 **transportation as defined in ORS 166.116 who, as part of employment, wears a uniform with**  
11 **a visible badge or patch identifying the employer and who has regular contact with members**  
12 **of the public.**

13 [(a)] (b) “Staff member” means:

14 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-  
15 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member  
16 or a person employed pursuant to a contract with the department or youth authority to work with,  
17 or in the vicinity of, inmates, youth or youth offenders; and

18 (B) A volunteer authorized by the department, youth authority or other entity in charge of a  
19 corrections facility to work with, or in the vicinity of, inmates, youth or youth offenders.

20 [(b)] (c) “Youth correction facility” has the meaning given that term in ORS 162.135.

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