

# "Ezra's Law" HB 4122

DDA Katie Suver, Marion County District Attorneys Office On behalf of ODAA

Applies to **ADULTS** convicted of:

- •Assault in the First Degree
- •Assault in the Second Degree
- •Attempted Murder (\*First or Second)
- Attempted Aggravated Murder

State must prove at trial that the defendant *intentionally* or *knowingly* caused **PERMANENT INJURY** during the commission of one of the above serious felony crimes

Defines **PERMANENT INJURY** as injury that significantly impairs
Cognitive Functioning
Vision or hearing
Ability to walk, breathe, eat or move the person's limbs

- Requires sentence of 300 months in prison, similar to Jessica's Law
- Jessica's Law was passed in a special session of the Oregon Legislature in 2006. The vote in the House was 54-6 and in the Senate it was 30-0.
- Jessica's Law requires a 25 year mandatory minimum sentence for adults convicted of raping, sodomizing or sexually penetrating a child under 12 years of age.

• Like *Jessica's Law*, this law would protect our state's most vulnerable

### Oregon Law – Physical Injury and Serious Physical Injury

• Physical Injury: an injury that causes substantial pain or impairment of physical condition

•Serious Physical Injury: a physical injury that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ

 Permanent Injury: currently no definition under Oregon law

#### The Oregon Sentencing Guidelines Grid

Crime Seriousness	Α	В	С	D	Ε	F	G	н	I	Prob Term	Max Depart	PPS
11	225- 269	196- 224	178- 194	164- 177	149- 163	135- 148	129- 134	122- 128	120- 121			
10	121- 130	116- 120	111- 115	91- 110	81- 90	71- 80	66- 70	61- 65	58- 60	5 Years		
9	66- 72	61- 65	56- 60	51- 55	46- 50	41- 45	39- 40	37- 38	34- 36			3 Years
8	41- 45	35- 40	29- 34	27- 28	25- 26	23- 24	21- 22	19- 20	16- 18			
7	31- 36	25- 30	21- 24	19- 20	16- 18	180 90	180 90	180 90	180 90	3 Years	10 Мак	
6	25- 30	19- 24	15- 18	13- 14	10- 12	180 90	180 90	180 90	180 90		18 Mos.	
5	15- 16	13- 14	11- 12	9-10	6-8	180 90	120 60	120 60	120 60		12.04-5	2 Years
4	10- 11	8-9	120 60	2 Years	12 Mos.							
3	120 60	120 60	120 60	120 60	120 60	120 60	90 30	90 30	90 30			
2	90 30	1 ½	6 Mos.	1 Year								
1	90 30	Years										