

SENATE AMENDMENTS TO SENATE BILL 497

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

April 23

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “137.633,
2 163.160, 163.190.”

3 Delete lines 5 through 28 and delete page 2 and insert:

4 “**SECTION 1.** ORS 163.160 is amended to read:

5 “163.160. (1) A person commits the crime of assault in the fourth degree if the person:

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

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

8 or

9 “(c) With criminal negligence causes serious physical injury to another who is a vulnerable user
10 of a public way, as defined in ORS 801.608, by means of a motor vehicle.

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

12 “(3) Notwithstanding subsection (2) of this section, assault in the fourth degree under subsection
13 (1)(a) or (b) of this section is a Class C felony if the person commits the crime of assault in the
14 fourth degree and:

15 “(a) The assault is committed in the immediate presence of, or is witnessed by, the person’s or
16 the victim’s minor child or stepchild or a minor child residing within the household of the person
17 or victim;

18 “(b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,
19 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction, and the
20 victim in the previous conviction is the same person who is the victim of the current crime;

21 “(c) The person has at least three previous convictions for violating this section or ORS 163.165,
22 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another jurisdiction, in
23 any combination; or

24 “(d) The person commits the assault knowing that the victim is pregnant.

25 “**(4) If a person is convicted of misdemeanor assault in the fourth degree constituting**
26 **domestic violence as an element of the crime as described ORS 132.586, the court shall en-**
27 **sure that the judgment document reflects that the conviction constitutes domestic violence.**

28 “[~~(4)~~] **(5)** For purposes of subsection (3) of this section, an assault is witnessed if the assault is
29 seen or directly perceived in any other manner by the child.

30 “**SECTION 2.** ORS 163.190 is amended to read:

31 “163.190. (1) A person commits the crime of menacing if by word or conduct the person inten-
32 tionally attempts to place another person in fear of imminent serious physical injury.

33 “(2) Menacing is a Class A misdemeanor.

34 “**(3) If a person is convicted of menacing constituting domestic violence as an element**
35 **of the crime as described ORS 132.586, the court shall ensure that the judgment document**

1 **reflects that the conviction constitutes domestic violence.**

2 **“SECTION 3.** ORS 423.478, as amended by section 20, chapter 2, Oregon Laws 2021 (Ballot
3 Measure 110 (2020)), is amended to read:

4 “423.478. (1) The Department of Corrections shall:

5 “(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

6 “(b) Provide central information and data services sufficient to:

7 “(A) Allow tracking of offenders; and

8 “(B) Permit analysis of correlations between sanctions, supervision, services and programs, and
9 future criminal conduct; and

10 “(c) Provide interstate compact administration and jail inspections.

11 “(2) Subject to ORS 423.483, [*the*] **each** county, in partnership with the department, shall assume
12 responsibility for community-based supervision, sanctions and services for offenders convicted of
13 felonies, [*or*] designated drug-related misdemeanors **or designated person misdemeanors** who are:

14 “(a) On parole;

15 “(b) On probation;

16 “(c) On post-prison supervision;

17 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

18 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-
19 Prison Supervision to 12 months or less incarceration for violation of a condition of parole, pro-
20 bation or post-prison supervision; or

21 “(f) On conditional release under ORS 420A.206.

22 “(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,
23 when an offender is committed to the custody of the supervisory authority of a county under ORS
24 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other
25 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority
26 releases a person from custody under this subsection and the person is required to report as a sex
27 offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the
28 person to report to the Department of State Police, a city police department or a county sheriff’s
29 office or to the supervising agency, if any:

30 “(a) When the person is released;

31 “(b) Within 10 days of a change of residence;

32 “(c) Once each year within 10 days of the person’s birth date;

33 “(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
34 institution of higher education; and

35 “(e) Within 10 days of a change in work, vocation or attendance status at an institution of
36 higher education.

37 “(4) As used in this section:

38 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a vocation’ have the
39 meanings given those terms in ORS 163A.005.

40 “(b) ‘Designated drug-related misdemeanor’ means:

41 “(A) Unlawful possession of methadone under ORS 475.824 (2)(c);

42 “(B) Unlawful possession of oxycodone under ORS 475.834 (2)(c);

43 “(C) Unlawful possession of heroin under ORS 475.854 (2)(c);

44 “(D) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(c);

45 “(E) Unlawful possession of cocaine under ORS 475.884 (2)(c); or

