

SB 497-2  
(LC 3049)  
4/8/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 497**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and insert “137.633, 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  
6 if the person:

7 “(a) Intentionally, knowingly or recklessly causes physical injury to an-  
8 other;

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

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

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

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

18 “(a) The assault is committed in the immediate presence of, or is wit-  
19 nessed by, the person’s or the victim’s minor child or stepchild or a minor  
20 child residing within the household of the person or victim;

21 “(b) The person has been previously convicted of violating this section

1 or ORS 163.165, 163.175, 163.185, 163.187 or 163.190, or of committing an  
2 equivalent crime in another jurisdiction, and the victim in the previous  
3 conviction is the same person who is the victim of the current crime;

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

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

8 “(4) **If a person is convicted of misdemeanor assault in the fourth**  
9 **degree constituting domestic violence as an element of the crime as**  
10 **described ORS 132.586, the court shall ensure that the judgment docu-**  
11 **ment reflects that the conviction constitutes domestic violence.**

12 “[4] (5) For purposes of subsection (3) of this section, an assault is wit-  
13 nessed if the assault is seen or directly perceived in any other manner by the  
14 child.

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

16 “163.190. (1) A person commits the crime of menacing if by word or con-  
17 duct the person intentionally attempts to place another person in fear of  
18 imminent serious physical injury.

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

20 “(3) **If a person is convicted of menacing constituting domestic vi-**  
21 **olence as an element of the crime as described ORS 132.586, the court**  
22 **shall ensure that the judgment document reflects that the conviction**  
23 **constitutes domestic violence.**

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

26 “423.478. (1) The Department of Corrections shall:

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

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

30 “(A) Allow tracking of offenders; and

1 “(B) Permit analysis of correlations between sanctions, supervision, ser-  
2 vices and programs, and future criminal conduct; and

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

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

8 “(a) On parole;

9 “(b) On probation;

10 “(c) On post-prison supervision;

11 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-  
12 ceration;

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

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

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

27 “(a) When the person is released;

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

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

30 “(d) Within 10 days of the first day the person works at, carries on a

1 vocation at or attends an institution of higher education; and

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

4 “(4) As used in this section:

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

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

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

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

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

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

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

14 “(F) Unlawful possession of methamphetamine under ORS 475.894 (2)(c).

15 “(c) ‘Designated person misdemeanor’ means:

16 “(A) **Assault in the fourth degree constituting domestic violence if**  
17 **the judgment document is as described in ORS 163.160 (4);**

18 “(B) **Menacing constituting domestic violence if the judgment doc-**  
19 **ument is as described in ORS 163.190 (3); or**

20 “(C) **Sexual abuse in the third degree under ORS 163.415.”.**

21 On page 3, delete lines 1 through 16.

22 On page 6, delete lines 13 through 45 and delete page 7.

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