

HB 4142 -2, -3, -4 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/8, 2/10

WHAT THE MEASURE DOES:

Expands crime of assault in third degree to include intentionally, knowingly or recklessly causing physical injury to person working in hospital while the person is performing official duties. Defines "hospital." Applies to conduct occurring on or after effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Examples of assaults occurring in hospitals
- Unintended consequences of measure on persons with mental illness
- Mechanics of the sentencing guidelines

EFFECT OF AMENDMENT:

- 2 Specifies this criminal conduct is crime seriousness classification of "4" on sentencing guidelines grid
- 3 Specifies venue for assault of persons working in hospital when defendant's presence in hospital is related to certain court orders be in county where court that issued order is located.
- 4 Removes reckless mental state for assault of persons working in hospital.

BACKGROUND:

There are four levels of assault in Oregon: assault in the first degree, assault in the second degree, assault in the third degree, and assault in the fourth degree. Assault in the first degree is the most serious offense.

Currently, causing physical injury to a person working in a hospital while the person is performing official duties constitutes assault in the fourth degree and is a Class A misdemeanor. ORS 163.160. A Class A misdemeanor is punishable by a maximum of 364 days imprisonment and a \$6,250 fine. ORS 161.615 and ORS 161.635.

Assault in the third degree is generally a Class C felony, punishable by a maximum of five years imprisonment and a \$125,000 fine. ORS 163.165. House Bill 4142 expands the crime of assault in the third degree to include a person intentionally, knowingly, or recklessly causing physical injury to a person working in a hospital while the person is performing official duties.