

HB 4142 -4, -6 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/25

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:

EFFECT OF AMENDMENT:

-4 Removes reckless mental state for offense of causing physical injury to persons working in hospital while performing official duties.

-6 Removes reckless mental state for offense of causing physical injury to persons working in hospital while performing official duties. Directs Oregon Criminal Justice Commission (Commission) to study implementation of offense of causing physical injury to persons working in hospital while performing official duties. Specifies study content. Requires Commission to report results of the study to the interim committees of the Legislative Assembly related to judiciary by June 30, 2025. Sunsets study requirement on January 2, 2026.

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.