

HB 4142 STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 02/10/22

Action: Do pass, rescind subsequent referral to Ways and Means, and be referred to Rules.

Vote: 8-1-1-0

Yeas: 8 - Bynum, Dexter, Helm, Kropf, Lewis, Power, Wallan, Wilde

Nays: 1 - Morgan

Exc: 1 - Noble

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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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:

No amendment.

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.