

**HB 4142 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Boshart Davis, Rep. Schouten

**House Committee On Rules**

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**Action Date:** 02/25/22  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 6-1-0-0  
**Yeas:** 6 - Breese-Iverson, Fahey, Holvey, Smith Warner, Wallan, Zika  
**Nays:** 1 - Valderrama  
**Fiscal:** Fiscal impact issued  
**Revenue:** Has minimal revenue impact  
**Prepared By:** Whitney Perez  
**Meeting Dates:** 2/25

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**WHAT THE MEASURE DOES:**

Expands crime of assault in third degree to include intentionally or knowingly 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:**

- Reason for limiting applicable mental state
- Goal of tracking implementation and utilization of measure
- Intent not to criminalize persons in mental health crisis

**EFFECT OF AMENDMENT:**

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

**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 A expands the crime of assault in the third degree to include a person intentionally or knowingly causing physical injury to a person working in a hospital while the person is performing official duties.