

HB 4108 Ezra's Law (2022)

Information from the Oregon  
District Attorney's Association

# HB 4108 Ezra's Law (2022)

- Applies to **ADULTS** convicted of:
  - Assault in the First Degree
  - Assault in the Second Degree
  - Attempted Murder (Aggravated, First, Second)

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- State must prove that the defendant *intentionally* or *knowingly* caused **PERMANENT PHYSICAL INJURY** during the commission of one of the above serious felony crimes
- Does not create a new crime – *allows discretion to enhance sentence*

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- Defines **PERMANENT PHYSICAL INJURY** as
  - Permanent Loss of Vision or Hearing
  - Permanent Loss of Ability to Walk, Breathe, Eat, or Move the Person's Limbs
  - Permanent Impairment of Cognitive Functioning

# HB 4108 Ezra's Law (2022)

- Presumptive sentence of 300 months in prison, similar to ***Jessica's Law***
- Provides sentencing judge discretion to sentence *less than 300 months* based on significant mitigating circumstances
- ***Jessica's Law*** was passed in a special session of the Oregon Legislature in 2006. The vote in the House was 54-6 and in the Senate it was 30-0.
- ***Jessica's Law*** requires a 25 year mandatory minimum sentence for adults convicted of raping, sodomizing or sexually penetrating a child under 12 years of age.
- Like ***Jessica's Law***, *Ezra's Law* would protect our state's most vulnerable

# Oregon Law – Physical Injury and Serious Physical Injury

- Physical Injury: an injury that causes substantial pain or impairment of physical condition
- Serious Physical Injury: a physical injury that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ
- Permanent Injury: currently no definition under Oregon law

