

SB 787 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/25, 5/11

WHAT THE MEASURE DOES:

Expands crime of assault in the third degree for intentionally, knowingly, or recklessly causing physical injury to a transit operator to apply when the transit operator is acting in the course of official duty. Expands crime of aggravated harassment, a Class C felony, to include when a person knowingly propels saliva, blood, urine, semen, feces, or other dangerous substances at an operator of a public transit vehicle who is acting in the course of official duty.

REVENUE: Has minimal revenue impact

FISCAL: Fiscal statement issued

SENATE VOTE: Ayes, 27; Nays, 2

ISSUES DISCUSSED:

- Operator is responsible for safety of everyone on bus
- Operator must stop bus to intervene
- 90 percent of assaults occur when bus not in motion
- Loading and unloading are most dangerous times
- Safety concerns factor in resignations
- Driver shortage
- Need to work on mental and behavioral health
- Persons with behavioral health issues unlikely to be deterred
- What constitutes course of official duty
- Felony classification effect on likelihood of prosecution and detention hearings

EFFECT OF AMENDMENT:

-1 Makes it a Class C felony to assault a transit operator "operating the vehicle or performing official duties in conjunction with the operation of the vehicle," or to knowingly propel blood, urine, semen, feces or other dangerous substances at an operator operating the vehicle or performing official duties in conjunction with the operation of the vehicle.

BACKGROUND:

In ORS 163.165, the crime of assault in the third degree on an operator of a public transit vehicle is limited to when the operator is "in control of or operating the vehicle." Data collected by some transit agencies showed 2020-2022 assault levels to be four or more times what they were in 2015 and prior years, and that most assaults on transit workers happen while the vehicle is not in active operation. Incidents charged as interference with public transportation are a Class C misdemeanor.

Senate Bill 787 makes it a Class C felony to assault a transit operator acting in the course of official duty, or to propel bodily fluids or excretions or other dangerous substances at a transit operator acting in the course of official duty.