

SB 787 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 02/27/23

Action: Do pass.

Vote: 4-1-0-0

Yeas: 4 - Gelser Blouin, Manning Jr, Prozanski, Thatcher

Nays: 1 - Linthicum

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

Prepared By: Patricia Pascone, LPRO Analyst

Meeting Dates: 2/20, 2/27

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.

ISSUES DISCUSSED:

- In practice, statute covers transit operators only when vehicle is in motion
- Harassment and assault incidents' effect on recruitment and retention
- Exclusionary order process and enforcement
- Rationale for selecting certain occupations to receive higher penalties for assault

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In ORS 163.165, the crime of assault in the third degree applies when the assault is on an operator of a public transit vehicle who is "in control of or operating the vehicle." Data collected by some transit agencies showed 2020-2022 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.