

House Bill 2562

Sponsored by Representative OWENS, Senator FINDLEY; Representatives EVANS, LEVY B, MORGAN, REYNOLDS, Senators GOLDEN, THATCHER (at the request of Tom Hutton) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands crime of assault in the third degree to include causing physical injury to utility worker while worker is performing official duties. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to assault of utility workers; creating new provisions; and amending ORS 163.165.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 163.165 is amended to read:

5 163.165. (1) A person commits the crime of assault in the third degree if the person:

6 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
7 weapon;

8 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
9 tremeness of indifference to the value of human life;

10 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
11 der circumstances manifesting extreme indifference to the value of human life;

12 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
13 injury to the operator of a public transit vehicle while the operator is in control of or operating the
14 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
15 166.116;

16 (e) While being aided by another person actually present, intentionally or knowingly causes
17 physical injury to another;

18 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
19 injury to another knowing the other person is a staff member while the other person is acting in the
20 course of official duty;

21 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
22 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
23 forming official duties;

24 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
25 10 years of age or younger;

26 (i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
27 injury to the operator of a taxi while the operator is in control of the taxi; *[or]*

28 (j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
29 worker while the flagger or highway worker is performing official duties[.]; **or**

30 **(k) Intentionally, knowingly or recklessly causes physical injury to a utility worker while**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **the utility worker is performing official duties.**

2 (2)(a) Assault in the third degree is a Class C felony.

3 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
4 section (1)(a) or (b) of this section is a Class B felony if:

5 (A) The assault resulted from the operation of a motor vehicle; and

6 (B) The defendant was the driver of the motor vehicle and was driving while under the influence
7 of intoxicants.

8 (3) As used in this section:

9 (a) “Flagger” has the meaning given that term in ORS 811.230.

10 (b) “Highway worker” has the meaning given that term in ORS 811.230.

11 (c) “Staff member” means:

12 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
13 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
14 or a person employed pursuant to a contract with the department or youth authority to work with,
15 or in the vicinity of, adults in custody, youths or adjudicated youths; and

16 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
17 corrections facility to work with, or in the vicinity of, adults in custody, youths or adjudicated
18 youths.

19 **(d) “Utility worker” means an employee of a private corporation, a municipal corporation**
20 **or an agency thereof, any other public corporation or any district that provides electricity,**
21 **gas, water, telephone, cable television or electronic communications to customers.**

22 [(d)] (e) “Youth correction facility” has the meaning given that term in ORS 162.135.

23 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2023 Act apply to con-**
24 **duct occurring on or after the effective date of this 2023 Act.**

25