

DRAFT

SUMMARY

Digest: The Act changes two crimes to include transit operators at work. (Flesch Readability Score: 64.9).

Expands the crime of assault in the third degree to include assault of a public transit vehicle operator performing official duties. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both.

Expands the crime of aggravated harassment to include knowing propulsion of bodily fluids at a public transit vehicle operator performing official duties. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to public transit vehicle operators; creating new provisions; and
3 amending ORS 163.165 and 166.070.

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

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

6 163.165. (1) A person commits the crime of assault in the third degree if
7 the person:

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

10 (b) Recklessly causes serious physical injury to another under circum-
11 stances manifesting extreme indifference to the value of human life;

12 (c) Recklessly causes physical injury to another by means of a deadly or
13 dangerous weapon under circumstances manifesting extreme indifference to
14 the value of human life;

15 (d) Intentionally, knowingly or recklessly causes, by means other than a
16 motor vehicle, physical injury to the operator of a public transit vehicle

1 while the operator is [*in control of or operating the vehicle*] **acting in the**
2 **course of performing official duties.** As used in this paragraph, “public
3 transit vehicle” has the meaning given that term in ORS 166.116;

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

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

9 (g) Intentionally, knowingly or recklessly causes physical injury to an
10 emergency medical services provider, as defined in ORS 682.025, while the
11 emergency medical services provider is performing official duties;

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

14 (i) Intentionally, knowingly or recklessly causes, by means other than a
15 motor vehicle, physical injury to the operator of a taxi while the operator
16 is in control of the taxi; or

17 (j) Intentionally, knowingly or recklessly causes physical injury to a
18 flagger or a highway worker while the flagger or highway worker is per-
19 forming official duties.

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

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

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

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

26 (3) As used in this section:

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

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

29 (c) “Staff member” means:

30 (A) A corrections officer as defined in ORS 181A.355, a youth correction
31 officer, a youth correction facility staff member, a Department of Corrections

1 or Oregon Youth Authority staff member or a person employed pursuant to
2 a contract with the department or youth authority to work with, or in the
3 vicinity of, adults in custody, youths or adjudicated youths; and

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

7 (d) "Youth correction facility" has the meaning given that term in ORS
8 162.135.

9 **SECTION 2.** ORS 166.070 is amended to read:

10 166.070. (1) A person commits the crime of aggravated harassment if the
11 person, knowing that the other person is [a]:

12 (a) A staff member, knowingly propels saliva, blood, urine, semen, feces
13 or other dangerous substance at the staff member while the staff member is
14 acting in the course of official duty or as a result of the staff member's of-
15 ficial duties;

16 (b) A public safety officer, knowingly propels blood, urine, semen or feces
17 at the public safety officer while the public safety officer is acting in the
18 course of official duty or as a result of the public safety officer's official
19 duties; [or]

20 (c) A public safety officer, intentionally propels saliva at the public safety
21 officer, and the saliva comes into physical contact with the public safety
22 officer, while the public safety officer is acting in the course of official duty
23 or as a result of the public safety officer's official duties[.]; **or**

24 **(d) An operator of a public transit vehicle, knowingly propels saliva,**
25 **blood, urine, semen, feces or other dangerous substance at the opera-**
26 **tor while the operator is acting in the course of performing official**
27 **duties.**

28 (2) Aggravated harassment is a Class C felony. When a person is con-
29 victed of violating subsection (1)(a) of this section, in addition to any other
30 sentence it may impose, the court shall impose a term of incarceration in a
31 state correctional facility.

1 (3) As used in this section:

2 (a) “Public safety officer” means an emergency medical services provider
3 as defined in ORS 682.025, a regulatory specialist as defined in ORS 471.001
4 or a fire service professional, a parole and probation officer or a police of-
5 ficer as those terms are defined in ORS 181A.355.

6 (b) “Public transit vehicle” has the meaning given that term in ORS
7 **166.116.**

8 [(b)] (c) “Staff member” has the meaning given that term in ORS 163.165.

9 **SECTION 3. The amendments to ORS 163.165 and 166.070 by sections**
10 **1 and 2 of this 2025 Act apply to conduct occurring on or after the ef-**
11 **fective date of this 2025 Act.**

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