

SB 170 A STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/23

WHAT THE MEASURE DOES:

The measure elevates specified occupational assaults in the fourth degree from Class A misdemeanors to Class C felonies.

Detailed Summary:

- Amends ORS 163.160(3) to add subsection (e), elevating an assault in the fourth degree to a Class C felony when
 - The assault is committed against an individual who is performing their official duties as part of their employment; and
 - The assailant has two or more previous assault convictions for occupational assault in the first, second, third, or fourth degree. This tally includes equivalent crimes committed in another jurisdiction.

SENATE VOTE: Ayes, 30; Nays, 0

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 163.160(1) defines fourth degree assault as

- 1) intentionally, knowingly, or recklessly causing physical injury to another,
- 2) causing physical injury with criminal negligence with a deadly weapon, or
- 3) causing physical injury with criminal negligence through using a motor vehicle to a vulnerable individual on a public way.

While these types of assaults are typically Class A misdemeanors, ORS 163.160(3) establishes criteria that elevate these to Class C felonies, including

- when the assault is witnessed by a victim’s child,
- when the assault is committed against the victim of an assailant’s prior assault, or
- when the assailant has at least three previous assault convictions.