

## SB 170 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Meeting Dates:** 4/23, 5/20, 5/22

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#### 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:

- Deterrence effect and goal
- Similarities and differences between SB 1124 and proposed SB 170 A3 amendment
- Prospective changes to charging instrument, pragmatic concerns
- Holistic as opposed to piecemeal approach to all professions
- Mental state, if any, for felony enhancement

#### 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.