

HB 2975 A STAFF MEASURE SUMMARY

Carrier: Rep. Hartman

House Committee On Judiciary

Action Date: 04/08/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-0-0

Yeas: 8 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Mannix, Tran, Wallan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 2/24, 4/8

WHAT THE MEASURE DOES:

The measure amends ORS 132.586 and provides that an admission or a finding that a crime constitutes domestic violence is not an element of the crime for merger purposes. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Merger of criminal convictions
- *State v. Miles* Court of Appeals decision
- How crimes constituting domestic violence are charged and proven
- Federal and state definition of domestic abuse
- Firearms prohibitions associated with specific criminal convictions

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, that the crime involved domestic violence as an element of the crime. In a recent decision, the Oregon Court of Appeals found in *State v. Miles*, 330 Or App 1 (2024), that it was reversible error when the lower court failed to merge defendant's convictions for strangulation constituting domestic violence and fourth-degree assault into one conviction because the elements alleged to establish the definition of strangulation constituting domestic violence overlap with those of assault in the fourth degree.

House Bill 2975 A amends ORS 132.586 by clarifying that the state must prove at trial that the crime involved domestic violence but that it is not an element of the crime alleged.