

SB 170 A STAFF MEASURE SUMMARY

Carrier: Rep. Kropf

House Committee On Judiciary

Action Date: 05/22/25

Action: Do Pass the A-Eng bill.

Vote: 5-2-1-0

Yeas: 5 - Andersen, Kropf, Lewis, Tran, Wallan

Nays: 2 - Chaichi, Chotzen

Exc: 1 - Mannix

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Kris Kolta, LPRO Analyst

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

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, including equivalent crimes committed in another jurisdiction.

ISSUES DISCUSSED:

- Deterrence effect and goal
- Similarities and differences between SB 1124 and proposed SB 170 -A3 amendment
- Prospective changes to charging instrument
- Holistic as opposed to piecemeal approach, applicable to all professions
- Requisite 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.