

House Bill 2313

Sponsored by Representative MANNIX (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the crime of assault in the third degree to include assault of health care workers. The Act makes health care worker employers notify victims if the assaulter enters the victim's workplace. (Flesch Readability Score: 62.6).

Expands the crime of assault in the third degree to include causing physical injury to a health care worker while the worker is acting in the course of official duty.

Requires employers of health care workers to create a notification program to notify a health care worker assault victim if the assaulter enters the victim's workplace.

A BILL FOR AN ACT

1
2 Relating to the protection of health care workers; creating new provisions; and amending ORS
3 163.165.

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 the person:

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

9 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
10 treme indifference to the value of human life;

11 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
12 der circumstances manifesting extreme indifference to the value of human life;

13 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
14 injury to the operator of a public transit vehicle while the operator is in control of or operating the
15 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
16 166.116;

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

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

22 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
23 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
24 forming official duties;

25 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
26 10 years of age or younger;

27 **(i) Intentionally or knowingly causes physical injury to a health care worker while the**
28 **worker is acting in the course of official duty;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 [(i)] (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle,
2 physical injury to the operator of a taxi while the operator is in control of the taxi; or

3 [(j)] (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
4 worker while the flagger or highway worker is performing official duties.

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

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

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

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

11 (3) As used in this section:

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

13 (b) **“Health care worker” means a person licensed, registered or certified to practice in**
14 **this state as a nurse practitioner, a registered nurse, a licensed practical nurse, a certified**
15 **nursing assistant, a physician or a physician associate.**

16 [(b)] (c) “Highway worker” has the meaning given that term in ORS 811.230.

17 [(c)] (d) “Staff member” means:

18 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
19 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
20 or a person employed pursuant to a contract with the department or youth authority to work with,
21 or in the vicinity of, adults in custody, youths or adjudicated youths; and

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

25 [(d)] (e) “Youth correction facility” has the meaning given that term in ORS 162.135.

26 **SECTION 2. (1) Any entity that employs a health care worker shall develop and maintain**
27 **a notification program concerning persons who have been convicted of assaulting a health**
28 **care worker employed by the entity. The program shall include:**

29 (a) **A database of the names and other identifying information of all persons who have**
30 **been convicted of assaulting a health care worker employed by the entity, and the name of**
31 **the health care worker victim associated with each assault.**

32 (b) **A system to notify the victim when:**

33 (A) **The convicted person enters the workplace of the victim; or**

34 (B) **The victim is assigned to a location in which the convicted person is likely to be.**

35 (2) **As used in this section, “health care worker” means a person licensed, registered or**
36 **certified to practice in this state as a nurse practitioner, a registered nurse, a licensed**
37 **practical nurse, a certified nursing assistant, a physician, a physician associate or an emer-**
38 **gency medical services provider.**

39