

House Bill 2975

Sponsored by Representative HARTMAN (Presession 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 says that a finding that a crime constitutes DV is not an element of the crime. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 84.1).

Provides that an admission or a finding that a crime constitutes domestic violence is not an element of the crime for merger purposes.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to crimes constituting domestic violence; creating new provisions; amending ORS 132.586,
3 163.160 and 163.190; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 132.586 is amended to read:

6 132.586. (1) As used in this section, "domestic violence" has the meaning given that term in ORS
7 135.230.

8 (2) When a crime involves domestic violence, the accusatory instrument may plead, and the
9 prosecution may prove at trial, **that the crime involved** domestic violence [*as an element of the*
10 *crime*]. When a crime is so pleaded, the words "constituting domestic violence" may be added to the
11 title of the crime.

12 **(3) An admission or finding that a crime involved domestic violence is not an additional**
13 **element of the offense for purposes of ORS 161.067 (1).**

14 **SECTION 2.** ORS 163.160 is amended to read:

15 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

16 (a) Intentionally, knowingly or recklessly causes physical injury to another;

17 (b) With criminal negligence causes physical injury to another by means of a deadly weapon;

18 or

19 (c) With criminal negligence causes serious physical injury to another who is a vulnerable user
20 of a public way, as defined in ORS 801.608, by means of a motor vehicle.

21 (2) Assault in the fourth degree is a Class A misdemeanor.

22 (3) Notwithstanding subsection (2) of this section, assault in the fourth degree under subsection
23 (1)(a) or (b) of this section is a Class C felony if the person commits the crime of assault in the
24 fourth degree and:

25 (a) The assault is committed in the immediate presence of, or is witnessed by, the person's or
26 the victim's minor child or stepchild or a minor child residing within the household of the person
27 or victim;

28 (b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,
29 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction, and the

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 victim in the previous conviction is the same person who is the victim of the current crime;

2 (c) The person has at least three previous convictions for violating this section or ORS 163.165,
3 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another jurisdiction, in
4 any combination; or

5 (d) The person commits the assault knowing that the victim is pregnant.

6 (4) If a person is convicted of misdemeanor assault in the fourth degree constituting domestic
7 violence [*as an element of the crime*] as described ORS 132.586, the court shall ensure that the
8 judgment document reflects that the conviction constitutes domestic violence.

9 (5) For purposes of subsection (3) of this section, an assault is witnessed if the assault is seen
10 or directly perceived in any other manner by the child.

11 **SECTION 3.** ORS 163.190 is amended to read:

12 163.190. (1) A person commits the crime of menacing if by word or conduct the person inten-
13 tionally attempts to place another person in fear of imminent serious physical injury.

14 (2) Menacing is a Class A misdemeanor.

15 (3) If a person is convicted of menacing constituting domestic violence [*as an element of the*
16 *crime*] as described ORS 132.586, the court shall ensure that the judgment document reflects that the
17 conviction constitutes domestic violence.

18 **SECTION 4. The amendments to ORS 132.586, 163.160 and 163.190 by sections 1 to 3 of this**
19 **2025 Act apply to conduct occurring on or after the effective date of this 2025 Act.**

20 **SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025**
21 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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