

House Bill 3585

Sponsored by Representative HARTMAN; Representatives BOICE, LEVY E, SCHARF, Senator PATTERSON

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 increases the penalty for the crime of felony strangulation. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 64.9).

Increases the penalties for the crime of strangulation constituting a felony. Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both. Directs the Oregon Criminal Justice Commission to classify the offense as a crime category 8 on the sentencing guidelines grid.

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

A BILL FOR AN ACT

1
2 Relating to strangulation; amending ORS 163.187; and prescribing an effective date.

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

4 **SECTION 1.** ORS 163.187 is amended to read:

5 163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the
6 normal breathing or circulation of the blood of another person by:

7 (a) Applying pressure on the throat, neck or chest of the other person; or

8 (b) Blocking the nose or mouth of the other person.

9 (2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or
10 good faith practices of a religious belief.

11 (3) Strangulation is a Class A misdemeanor.

12 (4) Notwithstanding subsection (3) of this section, strangulation is a Class [C] **B** felony if:

13 (a) The crime is committed in the immediate presence of, or is witnessed by, the person's or the
14 victim's minor child or stepchild or a minor child residing within the household of the person or the
15 victim;

16 (b) The victim is under 10 years of age;

17 (c) The victim is a family or household member, as defined in ORS 135.230, of the person;

18 (d) During the commission of the crime, the person used, attempted to use or threatened to use
19 a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against an-
20 other;

21 (e) The person has been previously convicted of violating this section or ORS 163.160, 163.165,
22 163.175, 163.185 or 163.190, or of committing an equivalent crime in another jurisdiction, and the
23 victim in the previous conviction is the same person who is the victim of the current crime;

24 (f) The person has at least three previous convictions for violating this section or ORS 163.160,
25 163.165, 163.175, 163.185 or 163.190 or for committing an equivalent crime in another jurisdiction, in
26 any combination; or

27 (g) The person commits the strangulation knowing that the victim is pregnant.

28 (5) For purposes of subsection (4)(a) of this section, a strangulation is witnessed if 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 strangulation is seen or directly perceived in any other manner by the child.

2 (6) The Oregon Criminal Justice Commission shall classify strangulation [*committed under the*
3 *circumstances*] described in subsection [(4)(c)] (4) of this section as crime category [5] 8 of the sen-
4 tencing guidelines grid of the commission.

5 **SECTION 2. This 2025 Act takes effect on the 91st day after the date on which the 2025**
6 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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