

House Bill 3677

Sponsored by Representative WRIGHT

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 expands two crimes to include acts committed against public employees. The Act also requires expulsion for certain acts against school employees. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 63.4).

Expands the crime of assault in the third degree to include causing physical injury to a public employee.

Expands the crime of aggravated harassment to include propelling bodily fluids or another dangerous substance at a public employee.

Requires a district school board to have a policy requiring expulsion when a student commits assault against or propels bodily fluids or another dangerous substance at a school employee.

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

A BILL FOR AN ACT

1
2 Relating to criminal acts committed against certain employees; creating new provisions; amending
3 ORS 163.165, 166.070 and 339.250; and prescribing an effective date.

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;

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

3 (j) 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[.]; **or**

5 **(k) Intentionally, knowingly or recklessly causes physical injury to a public employee**
6 **while the employee is acting in the course of official duty.**

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

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

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

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

13 (3) As used in this section:

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

15 (b) “Highway worker” has the meaning given that term in ORS 811.230.

16 **(c) “Public employee” means an employee whose compensation is paid from public funds.**

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.** ORS 166.070 is amended to read:

27 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that
28 the other person is a:

29 (a) Staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous sub-
30 stance at the staff member while the staff member is acting in the course of official duty or as a
31 result of the staff member’s official duties;

32 (b) Public safety officer, knowingly propels blood, urine, semen or feces at the public safety of-
33 ficer while the public safety officer is acting in the course of official duty or as a result of the public
34 safety officer’s official duties; [or]

35 (c) Public safety officer, intentionally propels saliva at the public safety officer, and the saliva
36 comes into physical contact with the public safety officer, while the public safety officer is acting
37 in the course of official duty or as a result of the public safety officer’s official duties[.]; **or**

38 **(d) Public employee, knowingly propels saliva, blood, urine, semen, feces or another**
39 **dangerous substance at the employee while the employee is acting in the course of official**
40 **duty.**

41 (2) Aggravated harassment is a Class C felony. When a person is convicted of violating sub-
42 section (1)(a) of this section, in addition to any other sentence it may impose, the court shall impose
43 a term of incarceration in a state correctional facility.

44 (3) As used in this section:

45 **(a) “Public employee” means an employee whose compensation is paid from public funds.**

1 [(a)] (b) “Public safety officer” means an emergency medical services provider as defined in ORS
2 682.025, a regulatory specialist as defined in ORS 471.001 or a fire service professional, a parole and
3 probation officer or a police officer as those terms are defined in ORS 181A.355.

4 [(b)] (c) “Staff member” has the meaning given that term in ORS 163.165.

5 **SECTION 3.** ORS 339.250 is amended to read:

6 339.250. (1) Public school students shall comply with rules for the government of such schools,
7 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers’ au-
8 thority.

9 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-
10 pulsion of any refractory student. The policies:

11 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited
12 to:

13 (A) Willful disobedience;

14 (B) Open defiance of the authority of a school employee;

15 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

16 (D) Use or display of profane or obscene language;

17 (E) Willful damage or injury to school property;

18 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

19 (G) Assault of a school employee or another student; or

20 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
21 fear of imminent serious physical injury.

22 (b) Must require consideration of the age of a student and the past pattern of behavior of a
23 student prior to imposing the suspension or expulsion of a student.

24 (c) Must limit the use of expulsion to the following circumstances:

25 (A) For conduct that poses a threat to the health or safety of students or school employees;

26 (B) When other strategies to change student conduct have been ineffective, except that expul-
27 sion may not be used to address truancy; or

28 (C) When the expulsion is required by law.

29 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who
30 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-
31 lowing circumstances:

32 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;

33 (B) When a school administrator determines, based upon the administrator’s observation or upon
34 a report from a school employee, that the student’s conduct poses a direct threat to the health or
35 safety of students or school employees; or

36 (C) When the suspension or expulsion is required by law.

37 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-
38 section, must require the school district to take steps to prevent the recurrence of the behavior that
39 led to the out-of-school suspension and return the student to a classroom setting so that the dis-
40 ruption of the student’s academic instruction is minimized.

41 (f) Must be limited so that:

42 (A) The duration of an expulsion may not be more than one calendar year.

43 (B) The duration of a suspension may not be more than 10 school days.

44 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
45 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10

1 school days.

2 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
3 district shall develop a student handbook, code of conduct or other document that:

4 (a) Defines and helps create a learning environment that students respect;

5 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
6 to discipline;

7 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
8 of students or employees of the school;

9 (d) Establishes a system of consequences that are designed to correct student misconduct and
10 promote behavior within acceptable norms; and

11 (e) Makes the system of consequences known to the school community through the dissemination
12 of information to students, parents, legal guardians and school district employees.

13 (4) Each district school board shall adopt written policies on managing students who threaten
14 violence or harm in public schools. The policies adopted by a district school board under this section
15 shall include all of the following:

16 (a) Staff reporting methods.

17 (b) Provisions that allow an administrator to consider and implement any of the following
18 options:

19 (A) Immediately removing from the classroom setting any student who has threatened to injure
20 another person or to severely damage school property.

21 (B) Placing the student in a setting where the behavior will receive immediate attention, in-
22 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,
23 counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or
24 the office of any licensed mental health professional.

25 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-
26 fessional before allowing the student to return to the classroom setting. A student who is removed
27 from the classroom setting for an evaluation may not be removed for more than 10 school days un-
28 less the administrator is able to show good cause that an evaluation could not be completed in that
29 time period. The policy must describe the circumstances under which the district school board may
30 enter into contracts with licensed mental health professionals to perform any evaluations required
31 under this subparagraph.

32 (c) The requirement that an administrator provide to the parent or legal guardian of the student
33 notification that describes the student's behavior and the school's response.

34 (d) A provision for the allocation of any funds necessary for the school district to implement the
35 policies described in this subsection.

36 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school
37 board shall ensure that the policy is designed to:

38 (a) Protect students and school employees from harm;

39 (b) Provide opportunities for students to learn from their mistakes;

40 (c) Foster positive learning communities;

41 (d) Keep students in school and attending class;

42 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined
43 in ORS 339.351;

44 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,
45 nondiscriminatory and proportionate in relation to each student's individual conduct;

1 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-
 2 count a student's developmental capacities and that are proportionate to the degree and severity
 3 of the student's misbehavior;

4 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction
 5 or instruction combined with counseling for the student that are appropriate and accessible to the
 6 student in the following circumstances:

7 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-
 8 ciplinary problem with the student; or

9 (B) When a parent or legal guardian applies for the student's exemption from compulsory at-
 10 tendance on a semiannual basis as provided in ORS 339.030 (2);

11 (i) To the extent practicable, use approaches that are shown through research to be effective in
 12 reducing student misbehavior and promoting safe and productive social behavior; and

13 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-
 14 cerning the education of students with disabilities.

15 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under
 16 this section must provide for the dissemination of information about alternative programs of in-
 17 struction or instruction combined with counseling, as described in subsection (5)(h) of this section,
 18 in writing to the student and the parent, legal guardian or person in parental relationship with the
 19 student at least once every six months, unless the information has changed because of the avail-
 20 ability of new programs.

21 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18
 22 U.S.C. 921. The policy shall:

23 (a) Require expulsion from school for a period of not less than one year of any student who is
 24 determined to have:

25 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district
 26 or to an activity under the jurisdiction of the school district;

27 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction
 28 of the school district or at an activity under the jurisdiction of the school district; or

29 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-
 30 tered by a voluntary organization.

31 (b) Allow exceptions:

32 (A) For courses, programs and activities approved by the school district that are conducted on
 33 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps
 34 programs, firearm-related sports or firearm-related vocational courses; and

35 (B) Identified by and adopted by the State Board of Education by rule.

36 (c) Allow a superintendent of a school district to:

37 (A) Modify the expulsion requirement for a student on a case-by-case basis.

38 (B) Propose alternative programs of instruction or instruction combined with counseling for a
 39 student that are appropriate and accessible to the student. If alternative programs are appropriate
 40 for a student, the superintendent shall ensure that information about programs of instruction or in-
 41 struction combined with counseling is provided in writing to the student and the parent, legal
 42 guardian or person in parental relationship with the student at least once every six months, or at
 43 any time the information changes because of the availability of new programs.

44 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled
 45 under this subsection.

1 (e) Require an annual reporting to the Department of Education of the name of each school that
2 had an expulsion under this subsection and the number of students expelled from each school.

3 (8) Each district school board shall adopt and disseminate written policies for the use of physical
4 force upon a student. The policies must allow an individual who is a teacher, administrator, school
5 employee or school volunteer to use reasonable physical force upon a student when and to the ex-
6 tent the application of force is consistent with ORS 339.285 to 339.303.

7 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-
8 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public
9 charter school or the Department of Education that permits or authorizes the infliction of corporal
10 punishment upon a student is void and unenforceable.

11 (b) As used in this subsection:

12 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,
13 physical pain on a student.

14 (B) "Corporal punishment" does not include:

15 (i) The use of physical force authorized by ORS 161.205 (2), (4) or (5) for the reasons specified
16 therein; or

17 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition
18 or other such recreational activity, voluntarily engaged in by a student.

19 **(10) Each district school board shall adopt a written policy requiring expulsion from**
20 **school for any student who is determined to have caused physical injury to a school employee**
21 **or propelled saliva, blood, urine, semen, feces or another dangerous substance at a school**
22 **employee.**

23 [(10)] (11) For purposes of this section, calculations of the number of school days that a student
24 is removed from a classroom setting shall be as follows:

25 (a) As a half day if the student is out of school for half, or less than half, of the scheduled school
26 day; and

27 (b) As a full day if the student is out of school for more than half of the scheduled school day.

28 **SECTION 4. The amendments to ORS 163.165, 166.070 and 339.250 by sections 1 to 3 of this**
29 **2025 Act apply to conduct occurring on or after the effective date of this 2025 Act.**

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

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