

SENATE AMENDMENTS TO SENATE BILL 170

By COMMITTEE ON JUDICIARY

March 10

- 1 In line 2 of the printed bill, after “workplace” insert “; amending ORS 163.160”.
- 2 Delete lines 4 through 9 and insert:
- 3 **“SECTION 1.** ORS 163.160 is amended to read:
- 4 “163.160. (1) A person commits the crime of assault in the fourth degree if the person:
- 5 “(a) Intentionally, knowingly or recklessly causes physical injury to another;
- 6 “(b) With criminal negligence causes physical injury to another by means of a deadly weapon;
- 7 or
- 8 “(c) With criminal negligence causes serious physical injury to another who is a vulnerable user
- 9 of a public way, as defined in ORS 801.608, by means of a motor vehicle.
- 10 “(2) Assault in the fourth degree is a Class A misdemeanor.
- 11 “(3) Notwithstanding subsection (2) of this section, assault in the fourth degree under subsection
- 12 (1)(a) or (b) of this section is a Class C felony if the person commits the crime of assault in the
- 13 fourth degree and:
- 14 “(a) The assault is committed in the immediate presence of, or is witnessed by, the person’s or
- 15 the victim’s minor child or stepchild or a minor child residing within the household of the person
- 16 or victim;
- 17 “(b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,
- 18 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction, and the
- 19 victim in the previous conviction is the same person who is the victim of the current crime;
- 20 “(c) The person has at least three previous convictions for violating this section or ORS 163.165,
- 21 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another jurisdiction, in
- 22 any combination; [or]
- 23 “(d) The person commits the assault knowing that the victim is pregnant[.]; or
- 24 **“(e)(A) The assault is committed against a victim who is performing official duties as**
- 25 **part of the victim’s employment; and**
- 26 **“(B) The person has two or more previous convictions for violating this section or ORS**
- 27 **163.165, 163.175 or 163.185, or for committing an equivalent crime in another jurisdiction, in**
- 28 **any combination, and at least two of the previous assaults were committed against a victim**
- 29 **who was performing official duties as part of the victim’s employment.**
- 30 “(4) If a person is convicted of misdemeanor assault in the fourth degree constituting domestic
- 31 violence as an element of the crime as described ORS 132.586, the court shall ensure that the
- 32 judgment document reflects that the conviction constitutes domestic violence.
- 33 “(5) For purposes of subsection (3) of this section, an assault is witnessed if the assault is seen
- 34 or directly perceived in any other manner by the child.”.
- 35