

# Senate Bill 773

Sponsored by Senator NASH (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 laws concerning certain crimes. The Act tells courts to impose a minimum prison term for inmates who cause physical injury to certain public safety officers. The Act tells courts to impose a minimum term of 48 months. (Flesch Readability Score: 60.0).

Establishes a mandatory minimum sentence of 48 months' imprisonment for assault committed by a correctional facility inmate against a corrections officer.

## A BILL FOR AN ACT

1  
2 Relating to assaults committed against corrections officers; amending ORS 163.208 and 421.121.

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

4 **SECTION 1.** ORS 163.208 is amended to read:

5 163.208. (1) A person commits the crime of assaulting a public safety officer if the person in-  
6 tentionally or knowingly causes physical injury to the other person, knowing the other person to  
7 be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal  
8 control officer, firefighter or staff member, and while the other person is acting in the course of  
9 official duty.

10 (2) Assaulting a public safety officer is a Class C felony.

11 (3)(a) Except as otherwise provided in [*paragraph (b)*] **paragraphs (b) and (c)** of this subsection,  
12 a person convicted under this section shall be sentenced to not less than seven days of imprisonment  
13 and shall not be granted bench parole or suspension of sentence nor released on a sentence of pro-  
14 bation before serving at least seven days of the sentence of confinement.

15 (b) A person convicted under this section shall be sentenced to not less than 14 days of  
16 imprisonment and shall not be granted bench parole or suspension of sentence nor released on a  
17 sentence of probation before serving at least 14 days of the sentence of confinement if the victim is  
18 a peace officer.

19 **(c) If, at the time of the offense, the person was an adult in custody at a correctional**  
20 **facility and the victim was a corrections officer as defined in ORS 181A.355, the court shall**  
21 **sentence a person convicted under this section to a mandatory minimum sentence of 48**  
22 **months of imprisonment. The court may not sentence the person to probation or to a lesser**  
23 **term of imprisonment. The person shall serve the entire sentence imposed by the court and**  
24 **is not, during the term of the sentence, eligible for release on post-prison supervision, any**  
25 **form of temporary leave from custody or any reduction in the term of incarceration in ac-**  
26 **cordance with ORS 421.121 or any other statute.**

27 (4) As used in this section:

28 (a) "Animal control officer" has the meaning given that term in ORS 609.500; and

29 (b) "Staff member" means:

**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 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a Department  
2 of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a con-  
3 tract with the department or youth authority to work with, or in the vicinity of, adults in custody  
4 or adjudicated youths; and

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

7 **SECTION 2.** ORS 421.121 is amended to read:

8 421.121. (1) Except as provided in ORS 137.635, 137.700, 137.707, 163.105, 163.107, [and] 163.115  
9 **and 163.208**, each adult in custody sentenced to the custody of the Department of Corrections for  
10 felonies committed on or after November 1, 1989, is eligible for a reduction in the term of  
11 incarceration for:

12 (a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and

13 (b) Participation in the adult basic skills development program described in ORS 421.084.

14 (2) The maximum amount of time credits earned for appropriate institutional behavior or for  
15 participation in the adult basic skills development program described in ORS 421.084 may not exceed  
16 20 percent of the total term of incarceration in a Department of Corrections institution.

17 (3) The time credits may not be used to shorten the term of actual prison confinement to less  
18 than six months.

19 (4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183  
20 to establish a process for granting, retracting and restoring the time credits earned by the offender  
21 as allowed in subsections (1) to (3) of this section.

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