

Requested by Representative WRIGHT

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 170**

1 On page 1 of the printed A-engrossed bill, line 2, after “163.160” insert “,  
2 163.165 and 166.070”.

3 On page 2, after line 14, insert:

4 **“SECTION 2.** ORS 163.165 is amended to read:

5 “163.165. (1) A person commits the crime of assault in the third degree if  
6 the person:

7 “(a) Recklessly causes serious physical injury to another by means of a  
8 deadly or dangerous weapon;

9 “(b) Recklessly causes serious physical injury to another under circum-  
10 stances manifesting extreme indifference to the value of human life;

11 “(c) Recklessly causes physical injury to another by means of a deadly  
12 or dangerous weapon under circumstances manifesting extreme indifference  
13 to the value of human life;

14 “(d) Intentionally, knowingly or recklessly causes, by means other than  
15 a motor vehicle, physical injury to the operator of a public transit vehicle  
16 while the operator is in control of or operating the vehicle. As used in this  
17 paragraph, ‘public transit vehicle’ has the meaning given that term in ORS  
18 166.116;

19 “(e) While being aided by another person actually present, intentionally  
20 or knowingly causes physical injury to another;

21 “(f) While committed to a youth correction facility, intentionally or

1 knowingly causes physical injury to another knowing the other person is a  
2 staff member while the other person is acting in the course of official duty;

3 “(g) Intentionally, knowingly or recklessly causes physical injury to an  
4 emergency medical services provider, as defined in ORS 682.025, while the  
5 emergency medical services provider is performing official duties;

6 “(h) Being at least 18 years of age, intentionally or knowingly causes  
7 physical injury to a child 10 years of age or younger;

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

11 “(j) Intentionally, knowingly or recklessly causes physical injury to a  
12 flagger or a highway worker while the flagger or highway worker is per-  
13 forming official duties[.]; or

14 **“(k) Intentionally, knowingly or recklessly causes physical injury**  
15 **to a public employee while the employee is acting in the course of of-**  
16 **ficial duty.**

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

18 “(b) Notwithstanding paragraph (a) of this subsection, assault in the third  
19 degree under subsection (1)(a) or (b) of this section is a Class B felony if:

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

21 “(B) The defendant was the driver of the motor vehicle and was driving  
22 while under the influence of intoxicants.

23 “(3) As used in this section:

24 “(a) ‘Flagger’ has the meaning given that term in ORS 811.230.

25 “(b) ‘Highway worker’ has the meaning given that term in ORS 811.230.

26 **“(c) ‘Public employee’ means an employee whose compensation is**  
27 **paid from public funds.**

28 “[c)] (d) ‘Staff member’ means:

29 “(A) A corrections officer as defined in ORS 181A.355, a youth correction  
30 officer, a youth correction facility staff member, a Department of Corrections

1 or Oregon Youth Authority staff member or a person employed pursuant to  
2 a contract with the department or youth authority to work with, or in the  
3 vicinity of, adults in custody, youths or adjudicated youths; and

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

7 “[*d*] (e) ‘Youth correction facility’ has the meaning given that term in  
8 ORS 162.135.

9 **“SECTION 3.** ORS 166.070 is amended to read:

10 “166.070. (1) A person commits the crime of aggravated harassment if the  
11 person, knowing that the other person is a:

12 “(a) Staff member, knowingly propels saliva, blood, urine, semen, feces or  
13 other dangerous substance at the staff member while the staff member is  
14 acting in the course of official duty or as a result of the staff member’s of-  
15 ficial duties;

16 “(b) Public safety officer, knowingly propels blood, urine, semen or feces  
17 at the public safety officer while the public safety officer is acting in the  
18 course of official duty or as a result of the public safety officer’s official  
19 duties; [*or*]

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

24 **“(d) Public employee, knowingly propels saliva, blood, urine, semen,  
25 feces or another dangerous substance at the employee while the em-  
26 ployee is acting in the course of official duty.**

27 “(2) Aggravated harassment is a Class C felony. When a person is con-  
28 victed of violating subsection (1)(a) of this section, in addition to any other  
29 sentence it may impose, the court shall impose a term of incarceration in a  
30 state correctional facility.

1 “(3) As used in this section:

2 “(a) **‘Public employee’ means an employee whose compensation is**  
3 **paid from public funds.**

4 “[a] (b) ‘Public safety officer’ means an emergency medical services  
5 provider as defined in ORS 682.025, a regulatory specialist as defined in ORS  
6 471.001 or a fire service professional, a parole and probation officer or a po-  
7 lice officer as those terms are defined in ORS 181A.355.

8 “[b] (c) ‘Staff member’ has the meaning given that term in ORS  
9 163.165.”.

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