



OREGON HOUSE OF REPRESENTATIVES

Chair Kropf, Vice-Chairs Wallan and Chotzen, Members of the Committee,

I'm writing in support of HB 2975, a bill designed to ensure that the distinct harms of strangulation and fourth-degree assault in domestic violence cases are recognized and punished appropriately. Strangulation is one of the most serious and life-threatening forms of domestic violence. Studies show that victims who have been strangled by their abuser are 750% more likely to be killed by that abuser in a future attack. The act of strangulation can lead to long-term brain damage, delayed fatal consequences, and an escalation of violence that puts victims at even greater risk.

Despite the seriousness of this crime, current Oregon law prevents courts from imposing separate sentences for strangulation and fourth-degree assault when the crime is committed as part of domestic violence. The reason? A technical legal interpretation that treats these separate crimes as one offense when they involve the same victim and occur in the same incident.

In *State v. Miles* last year, the Court of Appeals ruled that, at sentencing, offenses "constituting domestic violence," essentially subsume the elements of any separately charged misdemeanor assault or strangulation offenses. This means that in domestic violence cases, strangulation and fourth-degree assault must be merged into a single conviction for sentencing purposes—even though they are distinct and separate acts of violence under the law.

This interpretation creates an unfair and dangerous distinction:

- In non-domestic violence cases, a person can be sentenced separately for strangulation and fourth-degree assault.
- But in domestic violence cases, courts are forced to merge these crimes into a single sentence, minimizing the severity of the harm inflicted on victims.

The unintended consequence of this ruling is that abusers who commit both strangulation and assault in the context of domestic violence are sentenced more leniently than those who commit these offenses in a non-domestic setting.

HB 2975 corrects this by amending ORS 132.586 to clarify that the "constituting domestic violence" designation is not an element of a crime but rather a classification that provides important protection for victims. This ensures that prosecutors can continue using the domestic violence designation to protect survivors without sacrificing the ability to impose appropriate sentences for distinct acts.

REPRESENTATIVE ANNESSA HARTMAN (SHE/HER)
HOUSE DISTRICT 40



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I understand that negotiations are ongoing around this bill, and I support that, but want to make sure we do not leave this building without restoring this law to what it was before Miles to ensure that all separate acts of harm to a victim of domestic violence are recognized and treated fairly in a court of law.

Victims of domestic violence deserve justice, not legal technicalities that minimize their suffering, and I urge your support for HB 2975.

A handwritten signature in black ink, appearing to read "Annessa Hartman".

Representative Annessa Hartman
House District 40 – Gladstone, Oregon City, North Clackamas County