

# House Bill 4036

Sponsored by Representatives BARKER, CLEM (at the request of Oregon AFSCME Council 75) (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**.

Expands crime of assault in the third degree to include, under certain circumstances, causing physical injury to person employed at state mental hospital.

## A BILL FOR AN ACT

Relating to crime; creating new provisions; and amending ORS 163.165.

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

**SECTION 1.** ORS 163.165 is amended to read:

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

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

(b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;

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

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

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

(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member while the other person is acting in the course of official duty;

**(g) While committed to a state hospital after having been found guilty except for insanity of a crime, intentionally or knowingly causes physical injury to a person employed at the hospital knowing that the other person is acting in the course of official duty;**

*[(g)]* **(h)** Intentionally, knowingly or recklessly causes physical injury to an emergency medical services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties;

*[(h)]* **(i)** Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger; or

*[(i)]* **(j)** Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi.

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

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

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

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

6 (3) As used in this section:

7 (a) "Staff member" means:

8 (A) A corrections officer as defined in ORS 181.610, a youth correction officer, a youth cor-  
9 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member  
10 or a person employed pursuant to a contract with the department or youth authority to work with,  
11 or in the vicinity of, inmates, youth or youth offenders; and

12 (B) A volunteer authorized by the department, youth authority or other entity in charge of a  
13 corrections facility to work with, or in the vicinity of, inmates, youth or youth offenders.

14 (b) "State hospital" has the meaning given that term in ORS 162.135.

15 [(b)] (c) "Youth correction facility" has the meaning given that term in ORS 162.135.

16 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2014 Act apply to con-**  
17 **duct occurring on or after the effective date of this 2014 Act.**

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