

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action: Do Pass and Be Referred to the Committee on Ways and Means by prior reference

Vote: 9 - 0 - 0

Yeas: Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

Nays: 0

Exc.: 0

Prepared By: Darian Stanford, Counsel

Meeting Dates: 4/18, 4/25

WHAT THE MEASURE DOES: Expands assault in the third degree when defendant causes injury to person through driving vehicle while under the influence of intoxicants from Class C felony to Class B felony and specifies that such crime is classified as level 8 on sentencing guidelines.

ISSUES DISCUSSED:

- Seriousness of DUII related crashes and injuries.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 163.165 establishes the Class C felony of assault in the third degree. This offense occurs in several situations, including but not limited to: (1) recklessly causing serious physical injury to someone by means of a deadly or dangerous weapon or through circumstances manifesting extreme indifference to human life, (2) while being helped by someone else, causing physical injury to someone, or (3) causing physical injury to an emergency medical technician performing her job, to a child 10 or younger, or to a taxi cab driver in the scope of employment.

HB 2737 elevates assault in the third degree to a Class B felony and to a level 8 on the Oregon Criminal Justice Commission's Sentencing Guidelines Grid if the defendant causes the injury through driving a vehicle while under the influence of intoxicants.