

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Krieger
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	4/16, 4/30

WHAT THE MEASURE DOES: Creates Class A felony of aggravated vehicular homicide. Expands first degree assault to include serious physical injury caused by person driving under the influence of intoxicants (DUII) if person has certain record. Specifies that 15, 16 or 17 year old defendants who commit aggravated vehicular homicide are tried in adult criminal court and not juvenile court. Sets presumptive sentence for aggravated vehicular homicide at 240 months.

ISSUES DISCUSSED:

- Similar bill introduced last session

EFFECT OF COMMITTEE AMENDMENT: Clarifies that mental state for aggravated vehicular homicide can include recklessness. Clarifies language regarding prior convictions for purposes of crime of assault in the first degree through DUII.

BACKGROUND: ORS 163.005 defines “criminal homicide” as when, without justification or excuse, a person intentionally, knowingly, recklessly or with criminal negligence causes the death of another human being. By definition, it includes murder, manslaughter or criminally negligent homicide.

HB 2740 A expands the definition of “criminal homicide” to include “aggravated vehicular homicide.” “Aggravated vehicular homicide” occurs when a person, acting with criminal negligence or recklessness, operates a vehicle while under the influence of intoxicants and that results in the death of another person and the driver has either (1) three previous DUIIs in Oregon or the statutory counterpart in other states within the prior 10 years or (2) a prior conviction for manslaughter (first or second degree), criminally negligent homicide, or assault (first, second or third degree) and the victim’s death or serious physical injury in the prior case resulted from the defendant’s driving a vehicle.

HB 2740 A also amends first degree assault (ORS 163.185) to include circumstances when a person intentionally knowingly, recklessly or with criminal negligence causes serious physical injury to another while operating a motor vehicle under the influence if the person has either: (1) three previous DUIIs in Oregon or the statutory counterpart in other states within the prior 10 years; or (2) a prior conviction for manslaughter (first or second degree), criminally negligent homicide, or assault (first, second or third degree) and the victim’s death or serious physical injury in the prior case resulted from the defendant’s driving a vehicle.

There are also additional provisions to bring aggravated vehicular homicide in line with statutes pertaining to the seizure/forfeiture of vehicles involved in the offense and criminal driving while suspended or revoked.

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This summary has not been adopted or officially endorsed by action of the committee.