

House Bill 2738

Sponsored by Representative BARKER; Representatives BOONE, CAMERON, CLEM, DALLUM, D EDWARDS, FLORES, KOMP, KRIEGER, KRUMMEL, THATCHER, WHISNANT, Senator MONNES ANDERSON (at the request of Crime Victims United)

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 aggravated murder to include murder of witness in juvenile proceeding if murder was related to performance of victim's official duties as witness.

A BILL FOR AN ACT

1
2 Relating to aggravated murder; creating new provisions; and amending ORS 163.095.

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

4 **SECTION 1.** ORS 163.095 is amended to read:

5 163.095. As used in ORS 163.105 and this section, "aggravated murder" means murder as defined
6 in ORS 163.115 which is committed under, or accompanied by, any of the following circumstances:

7 (1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive
8 money or other thing of value for committing the murder.

9 (b) The defendant solicited another to commit the murder and paid or agreed to pay the person
10 money or other thing of value for committing the murder.

11 (c) The defendant committed murder after having been convicted previously in any jurisdiction
12 of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115
13 or manslaughter in the first degree as defined in ORS 163.118.

14 (d) There was more than one murder victim in the same criminal episode as defined in ORS
15 131.505.

16 (e) The homicide occurred in the course of or as a result of intentional maiming or torture of
17 the victim.

18 (f) The victim of the intentional homicide was a person under the age of 14 years.

19 (2)(a) The victim was one of the following and the murder was related to the performance of the
20 victim's official duties in the justice system:

21 (A) A police officer as defined in ORS 181.610;

22 (B) A correctional, parole and probation officer or other person charged with the duty of cus-
23 tody, control or supervision of convicted persons;

24 (C) A member of the Oregon State Police;

25 (D) A judicial officer as defined in ORS 1.210;

26 *[(E) A juror or witness in a criminal proceeding;]*

27 *[(F)] (E)* An employee or officer of a court of justice; or

28 *[(G)] (F)* A member of the State Board of Parole and Post-Prison Supervision.

29 (b) The defendant was confined in a state, county or municipal penal or correctional facility or
30 was otherwise in custody when the murder occurred.

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 (c) The defendant committed murder by means of an explosive as defined in ORS 164.055.

2 (d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the
3 homicide under the circumstances set forth in ORS 163.115 (1)(b).

4 (e) The murder was committed in an effort to conceal the commission of a crime, or to conceal
5 the identity of the perpetrator of a crime.

6 (f) The murder was committed after the defendant had escaped from a state, county or municipal
7 penal or correctional facility and before the defendant had been returned to the custody of the fa-
8 cility.

9 **(3) The victim was a juror or witness in a criminal proceeding or a witness in a juvenile**
10 **proceeding under ORS 419C.005 and the murder was related to the performance of the vic-**
11 **tim's official duties as a juror or witness. As used in this subsection, "witness" means:**

12 **(a) A person who has testified in a criminal proceeding or who knows or is expected to**
13 **know material facts about the crime, and who has been or is likely to be summoned to testify**
14 **about those facts at some stage of the proceeding; or**

15 **(b) A person who has testified in a juvenile proceeding or who knows or is expected to**
16 **know material facts about the act alleged to have been committed by a juvenile, and who has**
17 **been or is likely to be summoned to testify about those facts at some stage of the proceeding.**

18 **SECTION 2. The amendments to ORS 163.095 by section 1 of this 2007 Act apply to of-**
19 **fenses committed on or after the effective date of this 2007 Act.**

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