

## HOUSE AMENDMENTS TO HOUSE BILL 2740

By COMMITTEE ON JUDICIARY

May 7

1 On page 1 of the printed bill, delete lines 6 through 21 and insert:

2 **“SECTION 1. (1) Criminal homicide constitutes aggravated vehicular homicide when it is**  
3 **committed with criminal negligence, recklessly or recklessly under circumstances manifest-**  
4 **ing extreme indifference to the value of human life by a person operating a motor vehicle**  
5 **while under the influence of intoxicants in violation of ORS 813.010 and:**

6 **“(a) The person has at least three previous convictions for driving while under the in-**  
7 **fluence of intoxicants under ORS 813.010, or its statutory counterpart in any jurisdiction, in**  
8 **the 10 years prior to the date of the current offense; or**

9 **“(b)(A) The person has a previous conviction for any of the crimes described in sub-**  
10 **section (2) of this section, or their statutory counterparts in any jurisdiction; and**

11 **“(B) The victim’s death or serious physical injury in the previous conviction was caused**  
12 **by the person driving a motor vehicle.**

13 **“(2) The previous convictions to which subsection (1)(b) of this section applies are:**

14 **“(a) Manslaughter in the first degree under ORS 163.118;**

15 **“(b) Manslaughter in the second degree under ORS 163.125;**

16 **“(c) Criminally negligent homicide under ORS 163.145;**

17 **“(d) Assault in the first degree under ORS 163.185;**

18 **“(e) Assault in the second degree under ORS 163.175; or**

19 **“(f) Assault in the third degree under ORS 163.165.**

20 **“(3) Aggravated vehicular homicide is a Class A felony.”.**

21 On page 7, delete lines 35 through 45.

22 On page 8, delete lines 1 through 13 and insert:

23 **“SECTION 5. ORS 163.185 is amended to read:**

24 **“163.185. (1) A person commits the crime of assault in the first degree if the person:**

25 **“(a) Intentionally causes serious physical injury to another by means of a deadly or dangerous**  
26 **weapon; [or]**

27 **“(b) Intentionally or knowingly causes serious physical injury to a child under six years of**  
28 **age[.]; or**

29 **“(c) Intentionally, knowingly, recklessly or with criminal negligence causes serious**  
30 **physical injury to another while operating a motor vehicle under the influence of intoxicants**  
31 **in violation of ORS 813.010 and:**

32 **“(A) The person has at least three previous convictions for driving while under the in-**  
33 **fluence of intoxicants under ORS 813.010, or its statutory counterpart in any jurisdiction, in**  
34 **the 10 years prior to the date of the current offense; or**

35 **“(B)(i) The person has a previous conviction for any of the crimes described in subsection**

1 **(2) of this section, or their statutory counterparts in any jurisdiction; and**  
2 **“(ii) The victim’s death or serious physical injury in the previous conviction was caused**  
3 **by the person driving a motor vehicle.**  
4 **“(2) The previous convictions to which subsection (1)(c)(B) of this section apply are:**  
5 **“(a) Manslaughter in the first degree under ORS 163.118;**  
6 **“(b) Manslaughter in the second degree under ORS 163.125;**  
7 **“(c) Criminally negligent homicide under ORS 163.145;**  
8 **“(d) Assault in the first degree under this section;**  
9 **“(e) Assault in the second degree under ORS 163.175; or**  
10 **“(f) Assault in the third degree under this section.**  
11 **“[(2)] (3) Assault in the first degree is a Class A felony.”.**  
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