

House Bill 3329

Sponsored by Representatives GELSER, P SMITH; Representatives BARKER, BONAMICI, FLORES, READ

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**.

Enhances penalties for crime of strangulation in certain circumstances. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to strangulation; amending ORS 163.187.

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

4 **SECTION 1.** ORS 163.187 is amended to read:

5 163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the
6 normal breathing or circulation of the blood of another person by:

7 (a) Applying pressure on the throat or neck of the other person; or

8 (b) Blocking the nose or mouth of the other person.

9 (2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or
10 good faith practices of a religious belief.

11 (3) Strangulation is a Class A misdemeanor.

12 (4) **Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:**

13 (a) **The crime is committed in the immediate presence of, or is witnessed by, the person's**
14 **or the victim's minor child or stepchild or a minor child residing within the household of the**
15 **person or victim;**

16 (b) **The person used, attempted to use or threatened to use a dangerous weapon while**
17 **committing the crime;**

18 (c) **The person caused physical injury to the victim while committing the crime;**

19 (d) **The person has been convicted previously of violating this section;**

20 (e) **The person has been convicted previously of violating ORS 163.160, 163.165, 163.175,**
21 **163.185 or 163.190 and the victim in the previous conviction is the same person who is the**
22 **victim of the current conviction; or**

23 (f) **The person has at least three previous convictions of any combination of ORS 163.160,**
24 **163.165, 163.175, 163.185 or 163.190 or of equivalent crimes in other jurisdictions.**

25

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.