

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Atkinson, Burdick, Ferrioli, Metsger, Devlin

**Nays:** -

**Exc.:** -

**Prepared By:** Erin Seiler, Administrator

**Meeting Dates:** 6/22

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**WHAT THE MEASURE DOES:** Classifies crime of murder as aggravated murder if defendant knows victim is pregnant. Classifies crime of assault in second degree as assault in first degree if defendant knows victim is pregnant. Punishes crime of assault in fourth degree as Class C felony if defendant knows victim is pregnant. Applies to conduct occurring on or after effective date of the Act.

**ISSUES DISCUSSED:**

- Case of Heather Snively in Washington County
- Tools available to law enforcement when prosecuting crimes of maternal homicide
- States with similar statutes
- Protection for pregnant women when they are victims of crime
- Use of the death penalty

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**BACKGROUND:** Under ORS 163.095, aggravated murder is murder as defined in ORS 163.115 (intentional murder or felony murder) under, or accompanied by, certain special circumstances. Those special circumstances include: murder for hire, previous conviction of murder or first-degree manslaughter, multiple murder victims in the same episode, intentional maiming or torturing, the victim is under 14 years of age, the victim is a participant in the criminal justice system (i.e. a police officer or juror), murder occurred while in custody, murder by means of an explosive, aggravated felony murder, murder to conceal a crime, or murder after escaping from prison.

Senate Bill 984-A adds murder if the defendant knows the victim is pregnant to the special circumstances that elevate murder to aggravated murder. Aggravated murder is eligible for the death penalty.