

# House Bill 2447

Sponsored by Representatives GELSER, BARKER; Representatives CAMERON, KAHL, TOMEI

## 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**.

Increases penalty for crime of strangulation under certain circumstances to maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to strangulation; creating new provisions; and 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) **During the commission of the crime, the person used, attempted to use or threatened**  
17 **to use a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully**  
18 **against another;**

19 (c) **The person has been previously convicted of violating this section or of committing**  
20 **an equivalent crime in another jurisdiction;**

21 (d) **The person has been previously convicted of violating ORS 163.160, 163.165, 163.175,**  
22 **163.185 or 163.190 or of committing an equivalent crime in another jurisdiction, and the vic-**  
23 **tim in the previous conviction is the same person who is the victim of the current con-**  
24 **viction; or**

25 (e) **The person has at least three previous convictions of any combination of ORS 163.160,**  
26 **163.165, 163.175, 163.185 or 163.190 or of equivalent crimes in other jurisdictions.**

27 (5) **For purposes of subsection (4) of this section, a strangulation is witnessed if the**  
28 **strangulation is seen or directly perceived in any other manner by the child.**

29 **SECTION 2. The amendments to ORS 163.187 by section 1 of this 2009 Act apply to con-**  
30 **duct occurring on or after the effective date of this 2009 Act.**

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**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.