

House Bill 3200

Sponsored by Representative THATCHER; Representatives BARKER, BERGER, CLEM, FREEMAN, KRIEGER, OLSON, J SMITH, THOMPSON, WHISNANT, Senator BOQUIST (at the request of Donovan and Beth Jackson in memory of Adam and Evan Burch)

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**.

Creates crimes of drug-induced homicide and drug-induced assault. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both. Establishes mandatory minimum sentences.

A BILL FOR AN ACT

1
2 Relating to crime.

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

4 **SECTION 1. (1) A person commits the crime of drug-induced homicide if:**

5 **(a) The person violates ORS 475.840 or 475.846 to 475.894;**

6 **(b) The violation constitutes manufacture or delivery of a controlled or counterfeit sub-**
7 **stance; and**

8 **(c) The use of the substance causes the death of any person.**

9 **(2) Drug-induced homicide is a Class A felony.**

10 **(3) For purposes of this section, causation is established when the controlled or**
11 **counterfeit substance plays a substantial role in the death of any person.**

12 **(4) When a person is convicted of drug-induced homicide, the court shall impose, and the**
13 **person shall serve, at least the entire term of imprisonment specified in subsection (5) of this**
14 **section. The person is not, during the term of imprisonment, eligible for release on post-**
15 **prison supervision or any form of temporary leave from custody. The person is not eligible**
16 **for any reduction in the minimum sentence under ORS 421.121 or any other statute. The**
17 **court may impose a greater sentence if otherwise permitted by law but may not impose a**
18 **lower sentence than the sentence specified in subsection (5) of this section.**

19 **(5) The court shall sentence a person convicted of drug-induced homicide to:**

20 **(a) 240 months of imprisonment if the death was caused by the manufacture or delivery**
21 **for consideration of the substance; or**

22 **(b) 144 months of imprisonment if the death was caused by the delivery for no consider-**
23 **ation of the controlled substance.**

24 **SECTION 2. (1) A person commits the crime of drug-induced assault if:**

25 **(a) The person violates ORS 475.840 or 475.846 to 475.894;**

26 **(b) The violation constitutes manufacture or delivery of a controlled or counterfeit sub-**
27 **stance; and**

28 **(c) The use of the substance causes serious physical injury, as that term is defined in**
29 **ORS 161.015, to any person.**

30 **(2) Drug-induced assault is a Class A felony.**

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 **(3) For purposes of this section, causation is established when the controlled or**
2 **counterfeit substance plays a substantial role in the serious physical injury of any person.**

3 **(4) When a person is convicted of drug-induced assault, the court shall impose, and the**
4 **person shall serve, at least the entire term of imprisonment specified in subsection (5) of this**
5 **section. The person is not, during the term of imprisonment, eligible for release on post-**
6 **prison supervision or any form of temporary leave from custody. The person is not eligible**
7 **for any reduction in the minimum sentence under ORS 421.121 or any other statute. The**
8 **court may impose a greater sentence if otherwise permitted by law but may not impose a**
9 **lower sentence than the sentence specified in subsection (5) of this section.**

10 **(5) The court shall sentence a person convicted of drug-induced assault to 144 months**
11 **of imprisonment.**

12 **SECTION 3. Sections 1 and 2 of this 2009 Act apply to conduct occurring on or after the**
13 **effective date of this 2009 Act.**