

Senate Bill 246

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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**.

Modifies crime of assault in third degree to include assault of elderly victim.

A BILL FOR AN ACT

1
2 Relating to assault; creating new provisions; and amending ORS 163.165.

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

4 **SECTION 1.** ORS 163.165 is amended to read:

5 163.165. (1) A person commits the crime of assault in the third degree if the person:

6 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
7 weapon;

8 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
9 tremeness of indifference to the value of human life;

10 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
11 der circumstances manifesting extreme indifference to the value of human life;

12 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
13 injury to the operator of a public transit vehicle while the operator is in control of or operating the
14 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
15 166.116;

16 (e) While being aided by another person actually present, intentionally or knowingly causes
17 physical injury to another;

18 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
19 injury to another knowing the other person is a staff member of a youth correction facility while
20 the other person is acting in the course of official duty;

21 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical tech-
22 nician or paramedic, as those terms are defined in ORS 682.025, while the technician or paramedic
23 is performing official duties;

24 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
25 10 years of age or younger;

26 (i) Knowing the other person is a staff member, intentionally or knowingly propels any danger-
27 ous substance at the staff member while the staff member is acting in the course of official duty or
28 as a result of the staff member's official duties; [or]

29 (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
30 injury to the operator of a taxi while the operator is in control of the taxi; **or**

31 **(k) Violates ORS 163.160 (1) and the victim of the assault was 65 years of age or older**

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 **at the time of the commission of the offense.**

2 (2) Assault in the third degree is a Class C felony. When a person is convicted of violating
3 subsection (1)(i) of this section, in addition to any other sentence it may impose, the court shall
4 impose a term of incarceration in a state correction facility.

5 (3) As used in this section:

6 (a) "Dangerous substance" includes, but is not limited to, blood, urine, saliva, semen and feces.

7 (b) "Staff member" means:

8 (A) A corrections officer as defined in ORS 181.610, a youth correction officer, a Department
9 of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a con-
10 tract with the department or youth authority to work with, or in the vicinity of, inmates or youth
11 offenders; and

12 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
13 corrections facility to work with, or in the vicinity of, inmates or youth offenders.

14 (c) "Youth correction facility" has the meaning given that term in ORS 162.135.

15 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2009 Act apply to con-**
16 **duct occurring on or after the effective date of this 2009 Act.**

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