

Senate Bill 247

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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 knowingly causing substantial physical injury.

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 treme indifference to the value of human life;

10 **(c) Knowingly causes substantial physical injury to another;**

11 [(c)] **(d)** Recklessly causes physical injury to another by means of a deadly or dangerous weapon
12 under circumstances manifesting extreme indifference to the value of human life;

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

17 [(e)] **(f)** While being aided by another person actually present, intentionally or knowingly causes
18 physical injury to another;

19 [(f)] **(g)** While committed to a youth correction facility, intentionally or knowingly causes phys-
20 ical injury to another knowing the other person is a staff member of a youth correction facility
21 while the other person is acting in the course of official duty;

22 [(g)] **(h)** Intentionally, knowingly or recklessly causes physical injury to **a paramedic or an**
23 emergency medical technician [*or paramedic,*] as [*those terms are*] **that term is** defined in ORS
24 682.025, while the technician or paramedic is performing official duties;

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

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

30 [(j)] **(k)** Intentionally, knowingly or recklessly causes, by means other than a motor vehicle,

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 physical injury to the operator of a taxi while the operator is in control of the taxi.

2 (2) Assault in the third degree is a Class C felony. When a person is convicted of violating
3 subsection [(1)(i)] (1)(j) of this section, in addition to any other sentence it may impose, the court
4 shall 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)(A) **"Substantial physical injury" means physical injury that causes temporary, but
15 extended:**

16 (i) **Pain or discomfort;**

17 (ii) **Impairment of health, a bodily function or the use of a bodily organ; or**

18 (iii) **Disfigurement of the body.**

19 (B) **"Substantial physical injury" includes, but is not limited to, broken bones, severely
20 swollen body parts, cuts that require stitches, the loss of significant amounts of blood and
21 the removal of skin or hair.**

22 [(c)] (d) "Youth correction facility" has the meaning given that term in ORS 162.135.

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

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