

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 9 - 0 - 1
Yeas: Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Barker, Krieger
Nays: 0
Exc.: Whisnant
Prepared By: Aaron Knott, Counsel
Meeting Dates: 2/24, 3/3

WHAT THE MEASURE DOES: Includes youth correction facility staff within definition of “staff member” for purposes of assault in the third degree and aggravated harassment.

ISSUES DISCUSSED:

- Josephine County example
- Number of juveniles held in facilities to be covered by this definition
- Frequency of potentially violent disciplinary events in Oregon Youth Authority facilities

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 163.165(1)(f) states that a person commits the crime of assault in the third degree if the person, while committed to a youth correction facility, intentionally or knowingly causes physical injury to another, knowing the other person is a staff member of a youth correction facility while the other person is acting in the course of official duty. “Staff member” is defined to include a corrections officer; Department of Corrections or Oregon Youth Authority staff member; or, person or volunteer employed either to work with or in the vicinity of inmates or youth offenders. This bill would include a youth correction facility staff member in the definition of “staff member” and would add “youth” alongside inmates or youth offenders as a classification subject to this section.

ORS 166.070 states that a person commits the crime of aggravated harassment if a person, knowing that another person is a staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous substance at the staff member while the staff member is acting in the course of official duty or as a result of the staff member’s official duties; or knowingly propels blood, urine, semen or feces at the public safety officer while the public safety officer is acting in the course of official duty or as a result of the public safety officer’s official duties. The statutory definition of “staff member” in this section refers to the definition cited above in ORS 163.165.